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A HISTORY  
of  
NOVA-SCOTIA

or  
  
ACADIE.

BY  
  
Beamish Murdoch, Esq; Q. C.

VOL. III

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A HISTORY  
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VOL. III.

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CHAPTER I.

1782. Lieutenant governor Hamond wrote to lord George Germaine, 6 January. He mentions his having appointed Mr. James Brenton, late attorney general, to be an assistant judge, in the place of Mr. Morris, deceased ; Richard Gibbons, late solicitor general, to be attorney general ; and Mr. Richard John Uniacke, who, he says, has been well recommended as a fit person, from his abilities and character, as solicitor general. The appointments to be subject to his lordship's confirmation on the part of the king.

At an election, held at Halifax by William Shaw, sheriff, on thursday, 28 Feb'y., the freeholders of the town unanimously chose Benjamin Green, esquire, their representative in the assembly. 13 March. A letter of marque, mounting 20 guns, laden with spars and masts, bound from Cape Ann for France, captured by H. M. S. Blonde, arrived at Halifax. 23 March. Alexander Brymer was sworn in as a member of the council, and at the same time payment of "the remaining part of the" "allowance voted in council on the 17th of June, 1782, to"

"Oliver Henley, officiating priest to the Indians." was ordered to be paid. 26 March. Bridges across the Windsor river were proposed by an anonymous writer in the N. S. gazette.

At this time a system of strictness was adopted with respect to all vessels and passengers entering the port of Halifax or leaving it. Mr. Thomas Beamish, (my grandfather), was appointed port warden by Sir A. S. Hamond. He had to grant passes to all vessels and boats leaving, and to visit all those entering, and the following notice was put in the gazette : "Secretary's " "office, Halifax, 25 March, 1782. This is to give notice, that " "after the last of this month no vessel or boat will be allowed " "to pass George's island in the night time, nor to depart " "from the harbour, without sending their boat on shore to " "the island, and producing a pass from Mr. Beamish, the " "port warden, expressing the number of people on board ;" "and all vessels coming in will be hailed from the island," "and directed to send their boat on shore to Frederick's " "wharfe," (now called the market wharf), "to be examined," "before they attempt to land at any other part of the town."

A rebel privateer sloop, of 50 tons, 8 guns, and about forty men, Dunn, commander, alarmed the people of Annapolis for some days, and on the 7 May chased captain Mowatt's vessel up to the pass of the island, (Goat island), but the Buckram coming in the afternoon, engaged and took her. The men all made their escape in the woods. About the same time, H. M. S. Atalanta, captain Brett, destroyed a schooner privateer, of 6 guns, near cape d'Or. She had about twenty-five men, under command of one Ayret. The men escaped into the woods, leaving in their boat their provisions, clothes and ammunition. "The noted Rogers, and other Cumberland " "rebels" were on board of her. The Atalanta put into Windsor, in order to convoy trading vessels thence to Cumberland, where the garrison and people were much in want of many necessaries. May 10. H. M. S. Blonde was lost on the rocks off the great Seal island, on the South-west coast of Nova Scotia. The island was then desolate. All on board, except one man, were saved, and were taken off by two American privateers—the Lively, capt. Adams, and the Scammel, capt.

Stoddard. When received on board these vessels they were treated humanely and kindly, and were furnished with passes. This generous action amidst the thousand rude and cruel circumstances of war, and especially of civil war, bears a refreshing and humanizing influence with it. May 15. Lieutenant governor Hamond writes to Welbore Ellis, the new secretary of state. He informs him that the cutting masts in St. John's river goes on uninterruptedly. Wishes a powder magazine built for the navy. The powder for the ships has been for some time in a vessel in the harbor, in which vessel no guard is kept.

Peace was now approaching, as we find that Sir Guy Carleton, who had been made commander-in-chief in place of Sir Henry Clinton, had instructions to promote a peace, and in consequence he broke up the board of refugees at New York.

The 45th instruction at this time in force restricted the governor from granting land to the cases of soldiers and officers, under the Royal proclamation of 7 Oct'r., 1763, and the earl of Dartmouth's letter of 1 July, 1775, to American refugees. Hamond says (9 May, 1782) that several merchants and others at Halifax, also descendants of early settlers, apply for grants of land, and asks for guidance in these cases.

May 22, wednesday. Brigadier general Campbell reviewed here the 70th, 82nd and 84th regiments; on the 24th, the Hessian regiment of de Seitz.

The 5th general assembly, 15th session, met at Halifax tuesday, 11 June. Mr. Francklin was president of council, and Mr. Nesbitt speaker; R. Bulkeley sec'y. of council, and Isaac Deschamps clerk of assembly. Lieut. governor Hamond, in his opening speech, compliments the assembly for their loyalty—thinks peace will be restored, and “the natural attachment” “between the mother country and the colonies will be revived and established.” The answer of both houses were in harmony with this. On the 20 June, an estimate for 1783 passed in the council. It was resolved there, that such of the inhabitants of the county of Cumberland as had been in arms, and had taken the oaths of allegiance to the king, be deemed subjects, and allowed to arm themselves as militia.

Saturday, 29 June. The lieutenant governor gave his assent to two bills, one to exempt molasses, rum, &c., donation to the troops, from paying duties, (act 1782, 22 Geo. 3, c. 10), and another to repeal clauses of the two acts oppressive to Roman Catholics. (The last is not noticed in Uniacke's edition, and no notice is taken of the school lottery act, executed in 1781 and 1782.) Thursday, 4 July. The lieutenant governor gave his assent to 13 acts, and prorogued the assembly. (One of these acts, c. 14, to provide for the assistant judges, was not assented to by his majesty.)

The industrious people of Lunenburg were in many instances victims to the rapacity of the American privateers.—15 March. A privateer sloop, of 6 guns, from Boston, commanded by one Potter, captured the schooner *Two Sisters*, in Mahone bay, near Green island, and let her go on ransom of £80 money, ten bushels of potatoes, 20 lbs. butter, and 2 bbls. flour, (probably everything she carried.) On the 20 June, five or six American privateers, the largest mounting 16 guns, were cruising on our coast. They seized three of the inhabitants to pilot them into Lunenburg. One was the *Scammel*, capt. Stothard—another was commanded by capt. Badcock. On monday, 1 July, they landed a force of 90 men, stated in one account to have been commanded by capt. Badcock, and in another to have been under lieutenant George Pateman, at a place called Redhead, about two miles from the town of Lunenburg. They marched on to the town, where they seized and spiked the cannon. Some of the people fired on them from the block-house, but they burnt down Mr. Creighton's house, and made him and his servants prisoners—landed some ship guns, and put them in position in the streets. They then plundered the little town of all they deemed worth taking, and threatened to burn it all down unless it were ransomed. Some of the townspeople, to avoid this, gave them a document for ransom of £1000. Colonels Rudolf and Jessen exerted themselves to defend the place, but the men were, if all there, insufficient, and had chiefly left the town. Major Pernette arrived with a party from Lahève, but by this time the Americans had gone off with their plunder. While there, the pri-



vateersmen searched closely for arms, and carried off or destroyed all fire arms—took side arms—many silver-hilted swords and sabres, and all the gunpowder they could find. They also stripped the town of all kinds of provisions. There were in it, of regulars, a corporal and six soldiers. Of these they took the corporal and four men. Two had concealed themselves, and so escaped capture. The amount of plunder and destruction on this occasion was estimated at £10,000. They burned Mr. Creighton's house, and a block-house, and sailed out of Lunenburg harbor on the same day, 1 July, at 5 o'clock, P. M. The town of Lunenburg, at this time, consisted of about forty or fifty dwelling houses. The male population of 'men and lads'—say males from 16 to 60—were about sixty in number. Of these, about twenty were constantly absent, trading to Halifax. Twenty more were useless for military purposes, including the three clergymen, clerks, schoolmasters, the old, sick and lame, so that, according to a letter officially written at the time, the effective militia force of the town, officers and men, on the morning of the surprise, did not amount to twenty; and their officers, several of whom, as they came out of their houses singly, were disarmed by the enemy. An application after this was made for cannon, to be mounted on the Windmill hill, East side Lunenburg harbor, where a block-house stood in former times, and was agreed to, but the General declined sending troops there until he should receive reinforcements. During the month of August the people of Lunenburg county and Liverpool were harrassed by the presence of American privateers on their shores, who kept them in constant apprehension and worry—obliged to leave their work to do militia duty until 27 October, when a detachment of troops, under captain Bethell, arrived there, and marched to the Windmill battery. After the pillage of Lunenburg, governor Hamond equipped several armed vessels, and sent them to the relief of the people. Addresses of thanks were presented him for this by the council, and the assembly, and by the chief inhabitants of Lunenburg.

In council, 4 July. Six hundred acres of land for a glebe—four hundred acres for a school, and five hundred acres for

a common, in the township of Windsor, were resolved to be granted. Messrs. Francklin, Tonge and George Deschamps to be trustees.

About the 20 August, 57 sail of transports, storeships, &c., with the *Renown*, 50 guns, captain Henry, arrived at Halifax, on their way to New York and Quebec. Friday, 13 Sept'r. Major-general Patterson, commander-in-chief of H. M. forces in Nova Scotia, arrived at Halifax. Sunday, 6 Oct'r. The annual ships *Adamant*, Charles Wyatt, master, and *Saint Lawrence*, John Edwards, master, arrived here in thirty-five days from London. John Parr, esquire, governor of Nova Scotia, came in the *St. Lawrence*, bringing with him his family.— 8 Oct'r. Sir Andrew Snape Hamond, the lieutenant governor, begs the hon. Thomas Townshend to offer his resignation "of the office of lieutenant governor of this province, where" "my services can be no longer useful." On the 19 Oct'r. he writes to the earl of Shelburne, that a few days after the receipt of his lordship's letter of 8 July, informing him of the appointment of lieutenant colonel Parr to be governor of Nova Scotia, that gentleman arrived here, "and having delivered" "up to him the administration of the affairs of the province," "and furnished him with all the information I was possessed" "of respecting it, I withdrew myself from the office of lieutenant governor. I accepted of that appointment, my lord," "on the strongest assurances of succeeding to the government, and I am free to own to your lordship my regret at" "being thus so suddenly and unexpectedly removed, as it" "carries with it an appearance of being the consequence of" "his majesty's disapprobation of my conduct, a consideration" "which, indeed, greatly lessens the satisfaction I should" "otherwise have felt from the public testimonies I have" "received of the approbation of the inhabitants of this province with the measures of my administration." The principal inhabitants of the county of Halifax addressed Sir "A. S. Hamond, in which address they mention "that heart-felt regret that fills the breast of every individual on the" "occasion," and mentions "the zealous and unremitted" "attention which you have at all times bestowed upon this

“province for the safety and prosperity of it.” (On the 16th December, 1782, it was ordered in council that 10,000 acres of land on the river St. John should be laid out for Sir A. S. Hamond, on his application.)—At a council, holden at Halifax on the 19th day of October, 1782. Present: the honorable the lieutenant governor; the honorable Richard Bulkeley, Henry Newton, Jonathan Binney, Arthur Goold, John Creighton, Alexander Brymer, councillors. Proclamation being made for silence, his majesty's commission, appointing John Parr, esq., captain general and governor-in-chief of H. M. province of Nova Scotia, also a commission appointing him vice admiral of the same, was publicly read, after which the proper oaths, as prescribed by H. M. instructions, were administered to him, and he took the chair. The king's first instruction was likewise read, appointing Sir Andrew Snape Hamond, lieutenant governor, or the lieutenant governor for the time being; Bryan Finucane, esqr., chief justice, or the chief justice for the time being; Michael Francklin, Richard Bulkeley, Henry Newton, Jonathan Binney, Joseph Goreham, Arthur Goold, John Butler, John Creighton, and Alexander Brymer, esquires, members of H. M. council; also signifying H. M. pleasure, that the chief justice, or the chief justice for the time being, shall not be capable of taking upon himself the administration of the government of this province, on the death or absence of the governor or commander-in-chief; and Richard Bulkeley, Henry Newton, Jonathan Binney, Arthur Goold, John Creighton and Alexander Brymer, being present, took the proper oaths. (An instruction from the king, providing that if a member of council wilfully absents himself from the province above twelve months without leave under hand and seal from the governor or commander-in-chief, or be absent two successive years without leave under the king's hand, their seats to become void; also if councillors wilfully absent themselves from council on due summons, and persist therein after admonition, the governor is to suspend them till the king's pleasure be known therein.) Friday, 11 October. The *Renown* sent in a prize brig from Amsterdam, with silks, &c., computed at 30 or £40,000 sterling. The *Atalanta*, capt. Brett, was usefully

employed this summer in the bay of Fundy, to keep the province free of the rebel privateers ; but on her leaving it in the autumn, they re-commenced their pillage. A tender of the *Atalanta* was then manned at Windsor, with a party of soldiers and volunteers, to go in chase of them.

Governor John Parr writes to the hon. Thomas Townshend, 26 October, stating his arrival here and being sworn into office. Before he came, lieutenant governor Hamond received a letter from Sir Guy Carleton, notifying that above 600 persons—refugees—wished to embark at New York for Nova Scotia this autumn, and a much larger number in the spring, but that he could not find shipping just then for more than 300. He recommended a grant of 500 or 600 acres to each family, and 300 acres each to single men ; 2000 acres for a glebe, and 1000 for a school in each township. No fees or quit rents to be paid or reserved. As this differed much from his instructions, he requests directions. General Carleton also recommended that the refugees might have the aid of materials and artificers for building. No fund was at the governor's disposal for this purpose. Three hundred refugees had arrived at Annapolis Royal from New York. He mentions the conviction of five soldiers for murder, at the Michaelmas term of the supreme court, four of whom were recommended to mercy, and respited. He then recommends Isaac Deschamps to a seat in the council—says he is a *puisne* judge of the supreme court, and has resided a long time in this country with a good character. In council, 4 Nov'r., 1782. William McLean, convicted of street robbery, and sentenced to death, the grand jury petitioned, recommending him to mercy. The judge, Brenton, and Mr. Allan, the foreman of grand jury, were questioned, and the council decided that there appeared no grounds to favor him, and robberies being frequent, thought he should suffer for example.

On Friday, the 8th of November, the honorable Michael Francklin died at Halifax. His whole career in the different public offices of high trust which he filled in this province bears the indications of ability, uprightness, and a nobility of character. He is stated to have resided thirty years in



the province, i. e. from 1752. Governor Parr recommended Mr. John Cunningham to succeed him in the appointment of Indian superintendant, as Cunningham had formerly been employed on similar duty. A turnpike gate had been set up at Sackville, a few miles (9 or 10) from Halifax, with a view of collecting tolls, under a provincial law not now in print. A party of armed men on horseback assembled at 11, P. M., on saturday, 19 October, surrounded the keeper's house, and cut the gate to pieces. On the 28th, a reward of £20 was advertised for discovering the offenders. At this time flour was ground at fort Sackville mills.

Addresses were presented in October to the late lieutenant governor Hamond, from Hants county, King's county, and the county of Cumberland, approving his official conduct, and regretting his removal. In November, the cannon from Charlestown arrived here in transports which also brought three hundred refugees. The preliminary articles of peace between his Britannick majesty's commissioners and those of the United States of America, were signed at Paris Nov'r. 30, 1782, by Richard Oswald, for the king, and by (for the United States) John Adams, B. Francklin, John Jay and Henry Laurens; witnessed by Caleb Whiteford, secretary to the British commission, and W. S. Francklin, secretary to the American commission, containing nine articles. The preliminary articles between the kings of England and France are 22 in number, and signed by Alleyn Fitzherbert and by Charles Gravier, count de Vergennes; dated Versailles, 20 January, 1783.—Dec'r. 3. Governor Parr issued a proclamation against the impressment of men for the king's service, without permission of the civil magistrate, nearly in the same terms as that of lieutenant governor Hughes on the same subject. Dec'r. 5. The king's speech in parliament states that he had given orders to stop further offensive war in America,—that he had agreed to declare the States free and independent, &c.

## APPENDIX TO CHAPTER I.

## ( 1. )

Halifax, tuesday, March 12. Last thursday afternoon departed this life, in the 67th year of her age, Mrs. Mary Morris, consort of the late honorable Charles Morris.

On 26 March, died, aged 37 years, captain Cunningham, of the Nova Scotia volunteers.

Halifax, tuesday, 14 March. Yesterday morning departed this life, Mrs. Charlotte Newton, consort of Henry Newton, esq.

Ann Dunbrack, of Halifax, widow, was murdered by persons unknown, as appeared by coroner's inquest, held 14 July, 1782. Lieut. governor Hamond offered £50 reward for discovery of criminal.

Halifax, tuesday, Oct'r. 1. This morning departed this life William Best, esq., aged 75 years.

17 Nov'r., (Sunday), died, Mr. Joseph Crawley, of Halifax.

10 Dec'r., (tuesday), died, George Thomson, esq., aged 32 years.

## ( 2. )

A dinner was advertised to take place to celebrate the anniversary of Saint Patrick, at Sutherland's coffee-house, Halifax, on monday, 18 March. — In May, advertised for sale at auction, "all that choice wood lot on the West side of" "Bedford Bason, near the Block-house cove, containing 200 acres, being the" "next lot to the Northward of John Traey, and on which many of the neutral" "French live." (Behind Birch cove there are the traces of a small village, said to have been inhabited by Acadians. Mass used to be performed then at or near Birch cove. There seems to have been a military post kept there. *Bedford lodge* is named in the same gazette.)

## ( 3. )

Real estate of late colonel Jonathan Hore, of Annapolis, advertised for sale at auction, viz., 500 acres South side of Annapolis bason; 500 acres within a mile of the fort; 40 acres marsh, Bear island; 414 acres in Granville. Apply to Gerald Fitz Gerald, attorney at law, Halifax.

## ( 4. )

Lieut. colonel Hicks, who has taken nine views about Halifax, advertizes a proposal to have them engraved in London, and published by subscription.

## ( 5. )

Just imported from London, in the ship Adamant, capt. Wyatt, master, and to be sold by Anthony Henry, a general assortment of the best stationery and books; Bohea, Souchong, Green and Hyson tea; loaf sugar and molasses; wax and tallow candles; mens' best shoes and pumps; womens' everlasting and sarsenet

shoes ; an assortment of pickles, in cases ; perfumery ; earthenware ; optical instruments ; guitars and violins ; fiddle strings ; printing types, for marking linnen ; an assortment of curious prints ; magick lanthorns and sliders ; scented hair powder ; Jarr raisons ; Valentia almonds, shell'd and unshell'd ; candied citron and orange ; troffels ; macaroni ; morels ; vermacelly ; pearl barley ; almonds ; comfits, carianther do., carraway, and other confectionary sorted ; cinnamon, cloves, nutmeg and mace, &c. &c.

Parlour and Franklin's open stoves ; Irish Rose butter ; French and Scotch barley ; split peas ; a variety of telescopes, opera and reading glasses ; acorn microscopes ; with a variety of other articles. All will be sold at the lowest rates for cash.

(Henry was the king's printer, and his establishment situated, I believe, at the N. E. corner of Sackville and Grafton streets. It would be a difficult customer that could enter this shop and leave it without buying something.)

( 6. )

Two sets of subscription dancing assemblies were kept up this season,—one held at the Pontac, (Willis) every thursday ; the other at Sutherland's coffee-house, once a fortnight. The youth of the town are charged with midnight frolics—in breaking lanthorns and barbers' poles—destroying the signs which were hung up gibbet fashion—brandishing bludgeons, and in fact making night hideous.

( 7. )

29 October, 1782. The governor offered £20 reward for the discovery of the person who cut off the ears of John Mullins, at Liverpool, N. S.



## CHAPTER II.

1783. Colonel de Seitz, commander of the Hessian regiment, died here about the beginning of this year. A ring with eleven diamonds, and a coach with harness for three horses, part of his effects, were advertised for sale by auction ; and a quantity of plate and furniture of Sir A. S. Hamond, at the commissioner's house, in the dockyard. Two men-of-war, the *Caton*, 64, and *Pallas*, 36, which had taken shelter here, left for England 28 January. Lieutenant governor Hamond, with his family, took passage in the *Caton*, but she encountered severe gales, and arrived dismantled at Antigua, from which Sir A. S. Hamond went to England in the *Ambazon*, privateer.

Governor Parr was requested by agents of the loyalists at New York, to grant them lands and to supply boards for erecting houses to shelter them on their arrival, 250 families were to be thus provided for. He agreed to their request, and estimated the expence would be £1000, on which he wrote, 15 Jan. to obtain from the lords of the treasury a promise to pay the bills he should draw for this purpose. In February he wrote to the secretary of state, right hon. Thos. Townshend, that this province being of great extent,—the much greater part unpeopled, and the rest but thinly inhabited,—it would tend to augment the population, and especially the working classes, “were it left to the option of the men of any corps now here,” “and which may be hereafter disbanded, to remain, and become settlers.” At the same time a statement was put in the *Gazette*, to “confidently assure those persons who are”

“residing in the townships in this province, which are liable”  
“to forfeiture, that they shall have grants made them, suitable”  
“to the improvements they have made.” Several tracts of land were now condemned in the Court of Escheat, with a view to re-granting them.

Major-general lord Stirling, of the American army, connected, as is supposed, with the family of Alexander lord Stirling, king James’s patentee of Nova Scotia, died about this time.

The arrival in England of the first American vessel since the conflict, is thus described in the ‘Political magazine’ for 1783, pp. 116, 117 :

“THE THIRTEEN STRIPES.”

“The ship Bedford, capt. Moores, belonging to the Massachusetts, arrived in the Downs on the 3d of February, passed Gravesend the 4th, and was reported at the custom-house the 6th inst. She was not allowed regular entry until some consultation had taken place between the commissioners of the customs and the lords of council, on account of the many acts of parliament yet in force against the rebels in America. She is loaded with 487 butts of whale oil, is American built, manned wholly with American seamen, wears the rebel colors, and belongs to the island of Nantucket, in Massachusetts. This is the first vessel which displayed the Thirteen rebellious Stripes in America in any British port. The vessel lies at Huntley-down, a little below the Tower, and is intended to immediately return to New England.”

Amos Botsford, and others, agents for the loyalists, wrote from Annapolis Royal, 14 January, 1783, to their friends in New York. They describe the country from Annapolis to St. Mary’s bay, as very good soil, and favorable to fishery—praise Annapolis bason and St. Mary’s bay. “After viewing this we  
“proceeded to St. John’s river, where we arrived the latter  
“end of November ; at this season we found our passage up  
“the river difficult, being too late to pass in boats, and not  
“sufficiently frozen to bear. In this situation we left the  
“river, and (for a straight course) steered by a compass thro’  
“the woods, encamping out several nights in the course, and

“went as far as the Oromocto, about seventy miles up the river, where is a block-house, a British post.” “The St. John is a fine river, equal in magnitude to the Connecticut or Hudson. At the mouth of the river is a fine harbour, accessible at all seasons of the year—never frozen or obstructed by the ice, which breaks in passing over the falls; here stands Fort Howe, two leagues north of Annapolis Gut. This fort effectually secures the harbour and the passage up the river. Half a mile above the falls, at a narrow place in the river, the falls are very curious, and deserve a particular description. At low water the descent is several feet down the stream, and at high water several feet up stream. The tides in the Bay of Fundy rise and fall from thirty to sixty feet; were it not for the falls the whole country up the river would be deluged by the tides. The falls obstruct the tides up the river to such a degree that the water rises but one foot and a half above the falls, and rises about as high as that seventy or eighty miles up; it is navigable for vessels of seventy or eighty tons burthen, for about eighty miles up the river, and for boats much farther, extending, as we are told, three hundred miles, its course being for a considerable distance parallel to the river St. Lawrence; this route is frequently taken to Quebec across the country; it is about five hundred miles from Fort Howe. There are many settlers along this river upon the interval land. They are chiefly poor people, who come here and get their living easily. The interval lies on the river, and is a most fertile soil, annually matured by the overflowings of the river, and produces crops of all kinds with little labour; and vegetables in the greatest perfection; parsnip of great length, &c. They cut down the trees, burn the tops, put in a crop of wheat or Indian corn, which yields a plentiful increase. These intervals would make the finest meadows. The up-lands produce wheat both of the summer and winter kinds, as well as Indian corn. Here are some wealthy farmers, having flocks of cattle. The greater part of the people, excepting the township of Mauderville, are tenants, or seated on the bank without leave or licence, merely to get their living. For this reason they have not made such im-

“provements as might otherwise have been expected, or as  
 “thoro’ farmers would have done.—Some of our people chuse  
 “Conway (now Digby), others give the preference to St. John’s.  
 “Our people who came with us are settled here for the winter ;  
 “some at the fort, some in the town, and others extend up to  
 “Annapolis river near 20 miles, having made terms with the in-  
 “habitants ;—some are doing well, others are living on their  
 “provisions ; their behaviour is as orderly and regular as we  
 “could expect.—Immense quantities of lime stone are found at  
 “Fort Howe, and at the mouth of the river. We also went up  
 “the Kenebeccas, a large branch of St. John’s river, where  
 “is a large tract of interval and up-land, which has never been  
 “granted ; it is under a reserve ; but we can have it. Major  
 “Studholm and capt. Baxter, who explored the country, chose  
 “this place, and obtained a grant of 9000 acres. On each side  
 “of this grant are large tracts of good land, convenient for navi-  
 “gation. A title for these lands may be procured sooner than  
 “for such as have already been granted, such as Gage, Conway,  
 “&c., which must be obtained by a regular process in the  
 “Court of Escheats. The lands on the river St. John are also  
 “sufficiently near the cod fishery in Fundy Bay, and perfectly  
 “secure against the Indians and Americans. The inhabitants  
 “are computed to be near one thousand men, able to bear  
 “arms. Here is a county and court established, and the inha-  
 “bitants at peace, and seem to experience no inconveniency  
 “from the war.”

In March, 1783, the commanding officers of 14 provincial  
 regiments petitioned for grants of land in the colonies to the  
 loyalists, officers and men, for pensions, half pay, &c. The  
 virulent hatred existing between the refugees and the republican  
 Americans of the revolted colonies, will be best understood by  
 reading the following :

*Boston, April 9.* The following resolve passed with but one  
 dissentient at the adjournment of the March meeting of the  
 17th inst. :

Whereas by a resolve of the legislature of this Common-  
 wealth, passed on the 13th of Feb’y., 1776, the several towns



were directed and empowered at their annual meeting in March to choose committees of correspondence, inspection, and safety, whose business, among other things, is to communicate matters of importance to committees of the same denomination in any other town, county, or state, that committees so appointed should use their utmost industry and care to effect the great and important purposes of their appointment, at a time when interest is making for re-admitting *absentees* and *conspirators* to return into this and other of the United States :

Therefore resolved, that this town will, at all times, as they have done, to the utmost of their power, oppose every enemy to the just rights and liberties of mankind ; and *that after so wicked a conspiracy against those rights and liberties, by certain ingrates, most of them natives of these States, and who have been refugees, and declared traitors to their country ; it is the opinion of this town, that they ought never to be suffered to return, but to be excluded from having lot or portion among us.*

And the committee of correspondence is hereby requested, as by the laws of this Commonwealth they are fully empowered, to write to the several towns in this Commonwealth, and desire them to come into the same or similar resolves, if they shall think fit.

It was stated, London, June 7, that more than 13,000 emigrants have already gone from the north of Ireland to America. The stop that was put to it by the peace, being removed, they fly thither with an eagerness never known before.

An American privateer, called the Resolution, capt. Morgan, left Boston 1 February, at which time no account of a peace had been received. She had 6 guns and 15 men. On the 6 March she took the schooner Betsey, Freeman, master, and put her under ransom of £70. Freeman was put ashore at Lahève, where he borrowed the money and redeemed his vessel. The Resolution took two other provincial trading vessels. 13 March she was captured by the Shark, captain Ellis, and arrived at Halifax on Friday, the 14th.

Notice of escheat was published for the township of Conway, between Annapolis and St. Mary's bay, containing 120,000 acres, granted to Alexander McNutt and others, with other lands. In March and April extensive grants of land passed in council to loyalists, officers, &c.—major Farrington, major Boulten, capt. Johnston, major Skinner, James Morden, William Halliburton, Martin Meagher, David Archibald, and others.

Early in April, news of peace was received by a ship from Cadiz, captured and brought in by the armed brig Howe, capt. Fawson. The Adamant and St. Lawrence arrived on the 20 April. On the 22nd, the preliminaries of peace, and the king's proclamation for a cessation of arms, dated 14 Feb'y., were published in the N. S. gazette.

Many escheats of land were now in progress. In council, 5 May, 1783. Present: H. E. the governor, and messrs. Bulkley, Newton, Binney and Goold, councillors. It was decided to admit provisions coming by water from the United States, until parliament shall pass an act to regulate the trade.—13 May. Governor Parr wrote to the secretary of state that, in consequence of the great number of refugees coming into the province for a settlement, a considerable expence must be incurred in surveying and laying out lands for them in various and distant places. "This business has already been begun," "and as much progress has been made in it, as the time" "would admit of from the earliest commencement." He then asks to be enabled to discharge the expenses thus necessarily incurred. 6 June. Governor Parr informs the secretary of state that since the 15 January, upwards of 7000 refugees had arrived in this province. These, he says, were to be followed by 3000 of the provincial forces, and others besides. The expence of putting these people under shelter, and of furnishing them with building tools, implements of husbandry, &c., were also to be met. Parr asks the secretary of state to represent this matter to the lords of the treasury. 6 July. Governor Parr writes to lord North, secretary of state, that a considerable number of refugees, at New York, requested permission to make a settlement on the island of Cape Breton. The



governor being restrained by royal instructions from granting any land on that island, asked H. M. pleasure on this application.

His excellency governor Parr at this time paid a visit to the new town, which the American loyalists had built at port Razoir, on the west coast of Nova Scotia. On sunday, the 20 July, he arrived in H. M. sloop *La Sophie*, off point Carleton, in port *Roseway*, and soon after landed to view that port. Salutes were fired from the ship when he disembarked, and on his landing by the artillery from the post, where he was received by the officers of the corps on duty. His excellency returned on board the *Sophie* the same evening, and the day after the ship proceeded up the harbor and anchored off the town.—On tuesday morning, the 22d, his excellency, being saluted by the ships as before, landed to view the town. He was received under a general discharge of all the cannon from the shore, and proceeded up King street, both sides of which were lined by the inhabitants under arms, to the place appointed for his reception, where the justices of peace and other principal inhabitants were collected to present an address, congratulating him on his arrival. After this, governor Parr, in a short speech, signified his intention of giving the new settlement the name of *Shelburne*, and drank the king's health, prosperity to the town, and district of Shelburne,—and to the loyalists, each toast being accompanied by three cheers from the inhabitants, and a general discharge of cannon.—His excellency then appointed several justices of the peace, and other officers, and after administering to them the usual oaths, he proceeded on board the *Sophie*, attended by the principal magistrates, where an elegant dinner was given by captain Mowat, after which many loyal toasts were drunk,—the king's health,—success to the town of Shelburne,—and to the settlement of the loyalists in Nova Scotia. The toasts were accompanied by royal salutes from the ship. On wednesday, 23d, his excellency, with his suite, attended by captains Mowat and Elphinston, R. N., dined at the house of justice Robertson, with the principal inhabitants. In the evening, a public supper and ball were given by the town, and conducted with

the greatest festivity and decorum, which did not break up till 5 o'clock next morning, when his excellency returned on board the *Sophie*, 'as highly pleased with the entertainment as' 'the company appeared gratified and delighted by his presence.' In September, 14,000 inhabitants, loyalist refugees, were still expected to come to Nova Scotia, and the 60th regiment arrived here. (The arrivals at Halifax of the last week of this month were two ships, three brigs, and one schooner; outwards, two brigs, two schooners and two sloops.)

On the 23 September, the king's commission, appointing Edmond Fanning, esquire, lieutenant governor of the province, was read in council, and Mr. Fanning took the oaths, and was sworn as member of council.

Governor Parr received Royal instructions to authorize grants of land to the loyalists, and to provincial troops, reduced (i. e. disbanded) in this province, for reserving timber lands for the navy,—for dissolving the general assembly if found useful; also an order of the king in council, "for" "revoking and making void all orders in council for granting" "lands in this province prior to the 1st January, 1774." In the governor's letter of 30 Sept'r. to lord North, he states that from the month of November last to the end of July, upwards of 13,000 persons, (men, women and children), loyalist refugees, arrived at Annapolis, Halifax, Port Roseway, St. John's river and Cumberland. Numbers had since landed at the before named places, and at Passamaquoddy, the amount of whom he had not yet ascertained, but conjectured they would raise the total number to 18,000. He had sent surveyors to the different districts to locate them on the lands escheated or under process for forfeiture, and has given orders to provide boards to cover in habitations for them. He says: "I visited" "port Roseway as soon as I could after the arrival there of" "the refugees. The number at that place are upwards of" "5000 persons, and many more I expect will soon arrive" "there. I appointed magistrates, and established order" "among them, and I flatter myself that they will soon be—" "come a happy and flourishing settlement."—"The settle—" "ment on St. John's river, by far the most numerous and"

"considerable, and which, I conceive, will people it to its"  
 "source, I would have visited, had not the distance and wait-"  
 "ing for instructions put it out of my power, but the progress"  
 "of them are as forward as circumstances (particularly the"  
 "sudden arrival of unexpected numbers) would admit of."  
 "The care and superintending of these settlements I have"  
 "committed to captain Studholme, of the Royal Fencible"  
 "Americans, who commands at fort Howe." He commends  
 Studholme, who, without any reward or gratification assured  
 to him, has been assiduous and indefatigable, and shewn integ-  
 rity and judgment in this business. He has long held that  
 command, and been of service to the government of the pro-  
 vince, and aided in procuring masts there for the Royal navy.  
 He is uncertain what further number of refugees may come to  
 Nova Scotia, but is informed by Sir Guy Carleton that "8000"  
 "or 10,000 more persons will be forced by the violent temper"  
 "of the American committces to seek an asylum here. I"  
 "have given orders for the packet, after having taken in"  
 "water and other necessaries, to proceed to Quebec with the"  
 "mail and other public dispatches; and I beg leave to repre-"  
 "sent to your lordship that in future the public dispatches"  
 "and the mail may, with more safety and expedition, be con-"  
 "veyed from this port by land to Annapolis, and thence to"  
 "St. John's river, where, by the measures concerted between"  
 "general Haldimand and myself, proper and sufficient means"  
 "are provided for the purpose of conveying the public dis-"  
 "patches and mail to Quebec." 6 Oct'r. Isaac Deschamps,  
 appointed by mandamus one of the council, was sworn in, and  
 took his seat.

The general assembly of the province met at Halifax on  
 monday, 6 October, 1783, being the 16th session of the 5th  
 general assembly. John Parr, esq'r., was governor; Richard  
 Bulkeley, president of council; William Nesbit, speaker of  
 assembly; Francis Shipton, secretary of council, and Richard  
 Cunningham, clerk of assembly. The governor in his opening  
 speech refers to the return of peace, and the accession of many  
 inhabitants, from which advantages may be obtained by wise  
 measures. Richard John Uniacke, member for the township

of Sackville, and George Brightman for the county of Hants, were sworn in. Isaac Deschamps being now a member of the council, the office of clerk of the house was vacant. Richard Cunningham, Jonathan Sterns and William Halliburton competed for it. On tuesday, 7 Oct'r., Richard Cunningham was elected clerk; William Davidson, member for county of Sunbury, and Benjamin Dewolf, for county of Hants, were sworn in. Oct'r. 8. The governor, by message, informed the house that the act passed respecting the judges had been disallowed by the king. They must hold their offices during pleasure and residence in the province. The act for the relief of Roman Catholics was also disallowed by the king, who cannot allow them larger privileges than they have in England. Tuesday, Oct'r. 28. The speaker's warrant was issued to arrest David Wood, esquire, senior, for executing a *capias* and committing a member of the house to jail for debt. (Wood was probably the attorney who took out the writ.) On monday, 3 Nov'r., he was admonished and discharged. On friday, 7 Nov'r., William Nesbitt, esq., the speaker, offered his resignation of the chair, to take effect at the end of the session, on account of his age and infirmity. The house voted him a pension of £100 a year for life. Monday, 10 Nov'r. On the motion of R. J. Uniacke, £100 was voted to erect a place of religious worship in Falmouth, county of Hants. On thursday, 13 Nov'r., speaker Nesbitt returned his thanks to the house in a brief speech, which is on the journal, and then the thanks of the house were voted to him 'for his long and faithful services.' 18 Nov'r. The house addressed the governor to dismiss Charles Dickson and William Black, esquires, J. P. P., in Cumberland, and to suspend James Law, esquire, J. P., in same county. 21 November, they appoint Richard Cumberland, senior, provincial agent.

Saturday, 22 Nov'r., they address governor Parr, and vote him £500 towards the support of his table, on account of the unusual resort of strangers to this province. They also address chief justice Bryan Finucane—congratulate him on his safe return to the province, and vote him £400 towards defraying expences of his voyage. They also voted



To the two assistant judges of the supreme court, £400 each, to begin 1 Jan'y., 1784.

Treasurer, for self, clerk, and office rent, £400.

Clerk of council in general assembly, £100.

• Clerk of house, R. Cunningham, £100.

Province agent, £100 stg. for the year, £111 2s. 2½d. c'y.

R. J. Uniacke, solicitor general, £150.

And to the members of assembly, 10s. a day each.

“That there be paid to John Creighton, esquire, colonel of militia for the county of Lunenburg, for himself, a non-commissioned officer and one private, (who were made prisoners at Lunenburg and carried to New England), the sum of £106 19s. od. out of the arrears of the land tax, due from the counties of Lunenburg and Queen's county, when the same shall be paid into the treasury.” Wednesday, 26 November, 1783.

The seat of Nathan Freeman, member for town of Liverpool,

“ Winckworth Tonge, do. King's county,

“ Phineas Lovett, jr., esq., do. Annapolis,

were vacated for non-attendance during this session. Seat of Richard Cunningham for ——— vacated by his accepting the office of clerk of the house. Seat of Isaac Deschamps, member for Newport, vacated by his removal to H. M. council.—Thursday, 27 Nov'r., 1783. The council sent down resolutions, in which they found fault with the form of money votes sent up—expressly negative several items, and then resolve that sums be granted, which were not sent up to them. This the house refuse to consider. Tuesday, December 2. The governor gave his assent to bills, and prorogued the assembly. Among the acts passed this session is an act of oblivion, extending a general pardon for treasons committed in the late rebellion, to all H. M. subjects of this province, without any exception, 23 G. 3, c. 3,—and another act which repealed many of the disabilities imposed by former laws on Roman Catholics, viz.: the law which prevented them from holding lands—that which forbid their priests from exercising their functions. The benefit of this repeal was restricted to such Roman Catholics as would take an oath set forth in the act, embracing allegiance. abjuration, &c., c. 9. There was

also an act passed, by which judgments obtained for alleged losses, against persons who had aided the enemy in the rebellion, were to be enquired into by commissioners, and reduced to their just amount, c. 2. By an estimate resolved on by the council for 1784, (15 Oct'r., 1783), the two assistant judges were to have each

£300

The clerks of the two houses, each 60

Superintendant of roads and bridges, 150

&c. On the same day, John Frazer, Merigomish, Thomas Green, Ship Harbor, Philip Bailey, Passamaquoddy, and Benjamin Thompson, Shelburne, were appointed justices of the peace.

Between the end of September and 21st October, 2000 more refugees arrived in Nova Scotia. The surveys required for their settlement amounted in expence to £3000, and the boards supplied for their use to £3500. Lieut. colonel Small, commanding the 2nd battalion of the 84th regiment, about to be reduced, asked for lands, viz., 200 acres to each man, and 50 more for each member of the soldier's family, free from quit rent for 20 years, as promised them when enlisted. They wished land on the Kennetcook, Mincio, and Meander rivers, (county Hants.) This being beyond the restrictions on grants, governor Parr referred the matter to the secretary of state. [*Parr's letter to lord North, 21 Oct'r., 1783.*] Near 100 families in Connecticut petitioned for a settlement in Nova Scotia.

Mr. Woodmass, receiver of quit rents, went to England in 1775—settled his accounts at the treasury, and died some time after. No quit rents had been demanded or paid since 1772. Governor Parr now appointed Mr. John Cunningham to receive them, and wrote to lord North to decide about demanding the arrears, recommending that they should not be exacted. Nov'r. 20. He acknowledges the receipt of tools and implements sent out for the use of the American loyalists. Several ships had recently arrived with more of these people. He estimates them as over 25,000. He says it is a most unlucky season for these unfortunate people to come to this climate, but promises to do his best to alleviate their distresses and to get them under cover before the severity of winter sets



in. Same to the same: 13 Dec'r. He says admiral Digby informed him that near 100 persons, residing about cape Ann, who had formerly taken the oaths of allegiance, were desirous of quitting that country and settling in Nova Scotia. Lord Charles Montagu had arrived here with 200 of his disbanded corps from Jamaica, *viâ* Havana, whither they had been driven by storm, and expected as many were to follow.

Of three persons convicted of a murder, at the Michaelmas term of the supreme court, two were executed—a man and a woman, and the third was reprieved.

Many vessels left New York for Nova Scotia in September, in which about 8000 loyalist refugees embarked. The ship *Martha* had on board a corps of the Maryland loyalists, and a detachment of the 2nd DeLancey's. There were 174 persons on board. The vessel was wrecked on a ledge of rocks, between cape Sable and the Tusquets. 99 perished, and 75 were saved by fishing boats, and carried to St. John's river, on which they were to become settlers. In October, part of the 42nd regiment arrived from New York. Nov'r. 25. New York was evacuated by the British. Dec'r. 9. Major general John Campbell, commander of H. M. forces in Nova Scotia, arrived from New York.

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## APPENDIX TO CHAPTER II.

### ( I. )

The definitive treaty of peace between Great Britain and the United States of America, was signed at Paris on the 3 September, 1783, by David Hartley, on behalf of the king of England; and by John Adams, Benjamin Franklin, and John Jay, for the U. States.

“ Article I. His Britannick majesty acknowledges the said United States, viz.: New Hampshire, Massachusetts bay, Rhode island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, to be free Sovereign and Independent States, that he treats with them as such, and for himself, his Heirs, and Successors, relinquishes all Claims to the Government, Property and Territorial Rights of the same, and every part thereof.”

“ Art. II. And that all disputes which might arise in future on the subject of

the boundaries of the said United States may be prevented, it is hereby agreed and declared, that the following are and shall be their boundaries, viz. : From the North-west Angle of Nova Scotia, viz., that angle which is formed by a line drawn due North from the source of St. Croix river to the Highlands, along the said Highlands, which divide those rivers that empty themselves into the River St. Laurence, from those which fall into the Atlantic Ocean, to the North-Westernmost Head of Connecticut river ; thence down along the middle of that river to the forty-fifth degree of North latitude ; from thence by a line due West on said latitude, until it strikes the river Irriquois or Caataraquy ; thence along the middle of said river into Lake Ontario ; through the middle of said lake until it strikes the communication by water between that lake and Lake Erie ; thence along the middle of said communication into Lake Erie, through the middle of said lake, until it arrives at the water communication between that lake and Lake Huron ; thence through the middle of said lake to the water communication between that lake and Lake Superior ; thence through Lake Superior northward of the Isles Royal and Phelipeaux to the long lake ; thence through the middle of said long Lake and the water communication between it and the lake of the Woods, to the said lake of the Woods ; thence through the said lake to the most North-western point thereof, and from thence on a due West course to the river Mississippi ; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the Northernmost part of the thirty-first degree of North latitude, South by a line to be drawn due East from the determination of the line last mentioned in the latitude of thirty-one degrees North of the equator, to the middle of the river Apalachichola or Catahouche, thence along the middle thereof to its junction with the Flint River ; thence strait to the head of St. Mary's river ; and thence down along the middle of St. Mary's river to the Atlantic Ocean ; East, by a line to be drawn along the middle of the river St. Croix from its mouth in the bay of Fundy to its source, and from its source directly North to the aforesaid Highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Laurence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the bay of Fundy and the Atlantic Ocean, excepting such islands as now are or heretofore have been within the limits of the said Province of Nova Scotia."

" Art. III. It is agreed that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the grand bank, and on all the other banks of Newfoundland, also in the Gulph of St. Laurence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish. And also that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use, [but not to dry or cure the same on that island,] and also on the coasts, bays and creeks of all other of his Britannic Majesty's Dominions in America ; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen Islands and Labrador, so long as the same shall remain unsettled ; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous

agreement for that purpose with the inhabitants, proprietors or possessors of the ground."

"Art. VIII. The navigation of the river Mississippi, from its source to the ocean, shall for ever remain free and open to the subjects of Great Britain and the citizens of the United States."

The treaty of peace between England and France was signed at Versailles on 3 Sept'r., 1783, by the duke of Manchester, for England. and comte de Vergennes, for France.

Article IV. His Majesty the King of Great Britain is maintained in his right to the island of Newfoundland, and to the adjacent islands, as the whole were assured to him by the Thirteenth Article of the Treaty of Utrecht ; excepting the Islands of St. Pierre and Miquelon, which are ceded in full right by the present treaty to his Most Christian Majesty.

V. His Majesty the Most Christian King, in order to prevent the quarrels which have hitherto arisen between the two nations of England and France, consents to renounce the right of fishing, which belongs to him in virtue of the aforesaid Article of the Treaty of Utrecht, from Cape Bonavista to Cape St. John, situate on the Eastern coast of Newfoundland, in fifty degrees North latitude ; and his Majesty the King of Great Britain consents on his part, that the fishery assigned to the subjects of his Most Christian Majesty, beginning at the said Cape St. John, passing to the North, and descending by the Western coast of the island of Newfoundland, shall extend to the place called Cape Raye, situated in forty-seven degrees fifty minutes latitude. The French fishermen shall enjoy the fishery which is assigned to them by the present Article, as they had the right to enjoy that which was assigned to them by the treaty of Utrecht.

VI. With regard to the fishery in the Gulph of St. Laurence, the French shall continue to exercise it conformably to the assigned Fifth Article of the Treaty of Paris.

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EXTRACT FROM DECLARATION (OF 1763.)

The King having entirely agreed with His Most Christian Majesty upon the Articles of the Definitive Treaty, will seek every means which shall not only ensure the Execution thereof, with his accustomed good Faith and Punctuality, but will besides give, on his Part, all possible Efficacy to the Principles which shall prevent even the least Foundation of dispute for the future.

To this End, in order that the Fishermen of the two Nations may not give Cause for daily Quarrels, His Britannick Majesty will take the most positive Measures for preventing his Subjects from interrupting, in any manner, by their competition, the fishery of the French during the temporary exercise of it which is granted to them, upon the coasts of the Island of Newfoundland ; and he will, for this purpose, cause the fixed Settlements, which shall be formed there, to be removed. His Britannick Majesty will give orders, that the French fishermen be not incommoded, in cutting the wood necessary for the repair of their scaffolds, huts, and fishing vessels.

The thirteenth article of the treaty of Utrecht, and the Method of carrying on the fishery which has at all times been acknowledged, shall be the plan upon which the fishery shall be carried on there ; it shall not be deviated from by either

party : the French fishermen building their scaffolds, confining themselves to the repair of their fishing vessels, and not wintering there ; the subjects of his Britannick Majesty, on their part, not molesting, in any manner, the French fishermen during their fishing, nor injuring their scaffolds during their absence.

The King of Great Britain, in ceding the islands of St. Pierre and Miquelon to France, regards them as ceded for the purpose of serving as a real shelter to the French fishermen, and in full confidence that these possessions will not become an object of jealousy between the two nations, and that the fishery between the said islands, and that of Newfoundland, shall be limited to the middle of the Channel,

(Signed)

MANCHESTER.

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EXTRACT FROM COUNTER DECLARATION.

The principles which have guided the King, in the whole course of the negotiations which preceded the re-establishment of peace, must have convinced the King of Great Britain that his Majesty has had no other design than to render it solid and lasting, by preventing, as much as possible, in the four quarters of the world, every subject of discussion and quarrel. The King of Great Britain undoubtedly places too much confidence in the uprightness of his Majesty's intentions, not to rely upon his constant attention to prevent the islands of St. Pierre and Miquelon from becoming an object of jealousy between the two nations.

As to the fishery on the coast of Newfoundland, which has been the object of the new arrangements settled by the two sovereigns upon this matter, it is sufficiently ascertained by the fifth article of the treaty of peace signed this day, and by the declaration likewise delivered to day, by his Britannick Majesty's Ambassador extraordinary and plenipotentiary ; and his Majesty declares that he is fully satisfied on this head.

(Signed)

GRAVIER DE VERGENNES.

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A treaty between England and Spain was also signed the 3 September, at Versailles.

The peace with France and Spain was proclaimed at Charing Cross on the 6th October, and at Paris on the 11th.

( 2. )

A farm, 20 miles up the river Annapolis, called *Sandrew Manuel*, or St. Andrew Emanuel, of 1000 acres, advertised for sale May 6, 1783.

Des Barres charts of Nova Scotia : from Labrador to New York : with Newfoundland and the banks, advertised for sale by Tho. Freeman, Halifax, 5 May, 1783.

*Escheat Notices*.—10,000 acres granted to McNutt and 21 others, on North side of river St. John—township of Sunbury 125,000 acres, and township of Burton, 100,140 acres, both on the West side of same river.

10,000 acres granted lord Colville, and 10,000 Charles Colville, at Ship Harbor, &c. &c. 10,000 at Passamaquoddy ; 20,000 at Green's river ; 20,000 and 10,000 on river St. John. Many other smaller tracts were also advertised for Escheat.

Cowie's island, N. W. arm, was advertised for sale in December, 1783, (now Melville island.)

( 3. )

St. Andrew's The North British Society celebrate it on monday, 1 Dec. 1783, at Lenox's tavern. Mr. Michael Wallace, president.

Lodge No. 155, ancient York masons, have agreed to celebrate the festival of St. John, at Pontac, on the 27th inst. Any ancient brethren that do intend to visit on the occasion, are desired to enter their names with brother Lenox, before Christmas day. Dinner at half-past one o'clock.

By order of the worshipful master,

WM. LOVEGROVE, Secretary.

Halifax, Sth December, 1783.

The brethren of Lodge Unity, No. 18, held in H. M. 17th regt. of infantry, intend holding their festival of St. John 27 December, and dining at Mrs. Dawson's tavern, near Cornwallis's barracks. Any brethren who wish to dine with them will give in their names to Qr. master serjeant Humpage, on or before the 23d inst., as no application can be taken after.

By order of the master,

DAN. WEBB, secretary.

Friday, 12 Dec'r., 1783.



## CHAPTER III.

1784. 15 January, governor Parr writes to lord North, that in consequence of the final evacuation of New York, some vessels had arrived at Halifax with 'a considerable number of' 'Refugee families,' who must be provided for in and about the town at extraordinary expence, as at this season of the year he could not send them into the country. He adds: "I cannot" "better describe the wretched situation of those people than" "by inclosing your lordship a list of those just arrived in the" "Clinton, transport, destitute of almost everything, chiefly" "women and children, all still on board, as I have not yet" "been able to find any sort of place for them, and the cold" "setting in severe." Grants were promised to the recent settlers as soon as the surveys should come in, on condition they should take the usual oaths, and subscribe a declaration, 'acknowledging his majesty in parliament to be the supreme' 'legislature of the province.' They were informed that this did not extend to taxation, as parliament, by act of 1778, had renounced the exercise of that right. In February, the governor considered a further supply of provisions would be necessary to subsist the American refugees, many having come here too late in the year to take possession of the lands allotted to them, and erect dwellings. Some had means of their own, and discretion should be used to issue an allowance to those only who really required it. Some of those who had settled on the St. John river had excited discontent amongst their associates, and formed committees for redress of grievances. On this, Parr menaced the leaders with suspension of their



grants. In the other settlements no similar disposition was shewn. The account of the chief land surveyor, Mr. Morris, for surveying lands and laying them out for the loyal refugees, was £1837 14s. od.

The new settlers, loyalists, urged on governor Parr a new arrangement of the townships and counties, that would enable them to be represented in the provincial assembly. The 13th royal instruction forbade increase or diminution in the number of the representatives. A compliance with the wishes of the applicants would have caused an addition of twenty members to the existing number. The province then was divided into eight counties. Halifax county had four members, and each of the others two; Halifax township, two members, and sixteen other townships sent one member each,—by which the house consisted of thirty-six members in all. ‘These new settlements lie to the Westward and North-westward of Halifax, including the St. John’s river and the lands between that river and the river St. Croix, commonly called Passamaquoddy. All the rest of the province to the East and North-east, including Canceau, the isle of cape Breton, and the country which borders on the gulph and river St. Lawrence, the county of Cumberland on the isthmus excepted, are in the county of Halifax. Application has been made for a sub-division of this county from some settlements made some years ago. The settlements now forming in this part are few, consisting but of few persons, and chiefly composed of disbanded troops.’ Parr lays this matter before lord North, for directions, (2 March, 1784.)

Mr. Nesbitt, who had been long the attorney general and speaker of the assembly, and had resigned the chair in 1783, died about this time, as we find Mary Swann, his administratrix, advertising for demands, 26 April, and Mr. Wm. Abbott offering for his seat as member for county of Halifax, 19 April.

In February, March, April and May, very many persons, chiefly American loyalists, were made justices of the peace. [*See appendix.*] Escheats were still proceeding on a large scale, in order to afford room for suitable grants of land to the new comers. Governor Parr writes to lord North, 29 April,

that 'some matters of difference having arose among the' 'Refugees at St. John's river, and difficulties in making the' 'allotments of land for them,' he had sent Mr. Finucane, the chief justice, to use his endeavors for adjusting all matters, and to remove whatever may appear to obstruct the settlement. He had previously drawn bills on the treasury for £1838 4s. od. in part payment of surveying and laying out upwards of one million acres in plantations and towns, and consisting of 10,000 lots. (These lots would therefore average one hundred acres each.) Parr expresses his concern "that" "after an incessant and laborious application to accommo-" "date the refugees in every matter in my power which could" "possibly tend to their satisfaction and convenience, and to" "place them without any delay in their settlements, there" "could be any of them possessed of so much unreasonable" "impatience as to express any discontent in respect to the" "number of surveyors. I can assure your lordship that no" "attention was wanting to procure as many as could be" "obtained; whilst the people for whose service they were" "wanting refused them any assistance without being assured" "that they were to be paid for it."

In June, major Monk (G. H. Monk) wrote to the governor that the officers and men of the late loyal Nova Scotia volunteers who settled at Antigonish, were well pleased with the place, and diligent in making improvements there. The governor appointed lieut. colonel Small, 2d battalion 84th regiment, to be adjutant general of the militia, with the rank of brigadier. The town at the mouth of the St. John was at this time called Parr-town. The loyalists had a project for dividing the province, which was soon after realized. Discords arose among them at Parr-town, (now the city of St. John), and a Mr. Elias Hardy was accused by a Mr. Aplin of being employed by the governor and chief justice to raise objections to the partition of the province. This charge Hardy denied on oath. 41 persons there adopted resolutions to demand a separation, while 300 passed counter resolutions that the desired partition should be effected through the provincial authorities. 4 June. It was resolved in council, that in conse-

quence of scarcity of lumber and increase of inhabitants, the importation of lumber from the United States be permitted until further directions. 14 June. Several tables of fees for public officers were adopted in council. [*See appendix.*] Same day governor Parr writes to lord Sydney, the secretary of state. (Thomas Townshend was grandson of Charles the 2nd viscount Townshend. He was made lord Sydney, 6th March, 1783.) He transmits an audited account of extraordinary expences incurred in surveying and laying out lands for those persons who have taken refuge in this province from the United States of America, and for reduced officers and soldiers. (Mr. Morris' account for hire of deputies, chairman, clerk, office rent, fuel, and incidental expences, from Sept'r., 1783, to March, 1784, examined and approved of, being probably the account referred to, amounted to £1439 6s. 9½d.) Also an account of fees due on grants of land made to them ending the 31 March. (This account amounted to £490 16s. 3d.) The governor says he had not put in any charge for the attorney general, who had claimed 6s. 9d. for every person named in a grant where there were over 300 names in one patent, and extended this claim to house lots, which, in some instances, amounted to 1300 and 2800. Parr issued such grants without the attorney general's fiat, and quotes the practice in Georgia to support his course.

On the 14th May, the magistrates of the new loyalist town of Shelburne waited on Sir Charles Douglas, baronet, who commanded the navy on this station, with a complimentary address on his arrival there. It was signed by Abraham Van Buskirk, James McEwen, Joseph Pynchon, David Thomson, and Joseph Brewer. His answer is dated 'Assistance, off Shelburne, May 15, 1784.' On saturday, 29 May, Sir Charles Douglas and his lady arrived at Halifax, from Shelburne, in the Assistance, 50, capt. Bentinck, with the Hermione, 32, capt. Stone. Sir Charles was commodore and commander-in-chief on the North American station.

Tuesday, 25 May. John Wentworth, esq., arrived at Shelburne, in a schooner from Halifax. Mr. Wentworth, (afterwards Sir John Wentworth, baronet), had been governor of

New Hampshire, and still held the office of surveyor-general of H. M. woods in North America. He was conducted up the harbor of port Razoir by H. M. S. Mercury, and saluted by a discharge of cannon on his arrival and landing. An address to the hon. Henry Edwin Stanhope, esq., commander of H. M. S. Mercury, full of compliments, signed by about 30 inhabitants of Shelburne, and his reply, was dated 23 May. This gave offence to other persons there, and about 150 names were appended to a statement, to the effect that they disapproved of the address.—Escheats of old grants at this time proceeded rapidly.

Friday, 18 June. Eleven houses at St. John were burnt. The sufferers belonged chiefly to the 42d regt., (discharged men.) On the same day seven houses were burnt at the falls, in which a woman and child perished. Other fires occurred there about the same time.

We have seen that in 1783 the laws prohibiting the public worship of the Roman Catholic church in this colony had been repealed. As there were many individuals in Halifax and its vicinity of that religious persuasion, and a friendly feeling existed towards them among the Protestant population, they were enabled to buy a piece of ground and erect a small church on Barrington street, (west side, near the head of Salter street), close to the spot now occupied by their cathedral church of St. Mary's. On Monday, 19 July, 1784, the frame of this building was raised 'in presence of a great concourse of gentlemen, and other people.'

11 August. Several accounts were examined and allowed in council, for surveys and lumber for the soldiers and refugees, and fees on their grants, amounting in all to £10,345 2s. 1 $\frac{3}{4}$ d.

On the 10 August, Parr tells the secretary of state that "his Majesty's most gracious continuation of his royal bounty" "by a fresh supply of provisions to the new settlers, has" "given universal satisfaction, and I flatter myself that the" "measures I have taken with the people on St. John's river," "and by bringing some of the leading men of the parties" "there to this side of the bay of Fundy, will prove effectual"



“to suppress factious commotions in the settlements on that”  
“river.” 13 August. He says that grants had passed the great sea<sup>l</sup> of the province for 4882 families, and others were preparing for 150 more. (At the rate of four to each family, this would make 20,120 souls.) He further says that the number of souls located amounts to near 30,000, and adds, “as”  
“nothing will contribute more to the quiet of the minds of”  
“the loyalists of this province than being represented in the”  
“house of assembly, I am to request H. M. royal instructions”  
“to encrease the number of that house.” It was at this time reported in the Boston papers that Sir Guy Carleton was to be viceroy at Quebec, and that Nova Scotia and Canada were to be divided into several provinces,—that there was to be a governor at St. John’s, and another at Halifax.

At Country harbor, (anciently called Mocodome), a new settlement or town on the East side of it, called Stormont, was in progress. The inhabitants were nearly 400 in number. Some were officers, who had served in the late war.

In August, information was received by the packet from Falmouth, that the province of Nova Scotia was to be divided, and the lands lying on the north side of the bay of Fundy were to be erected into a new government, under the name of *New Brunswick*. The dividing line was to be at the narrowest part of the isthmus, near bay Verte, which would place fort Cumberland and the largest proportion of that county in the new province. Colonel Carleton was to be governor of New Brunswick. J. F. W. DesBarres, esquire, was to be the lieutenant governor of the island of Cape Breton. Cape Breton and St. John’s island were to be under lieutenant governors, subject to the control of the governor of Nova Scotia. A governor general was also proposed, to preside over all the British provinces in North America. The Royal assent to two acts,—one for pardon of treasons, the other for relief of Roman Catholics,—was now received and published.

A town was now planned on the Sissiboo river, to be called Edinburgh, on the East side; and Weymouth was laid out on the West side, then or soon after.

August 15. The Sally, transport, brought 300 passengers



from London to Halifax. They were called refugees. On the passage 39 died, and 12 more in a few days after their arrival. They were almost destitute of clothing and provisions.

In September, the division of Nova Scotia into two provinces was confirmed. Colonel Carleton, to be governor of New Brunswick; Mr. Odell, secretary; Mr. Ludlow, chief justice; colonel Putnam, colonel Allen, and major Upham, judges; Mr. Bliss, attorney general. At this time the schooner *Hero* arrived at Halifax from a whaling voyage. She had been fitted out by messrs. Cochran & Holmes. She brought in upwards of 150 barrels oil, also whalebone. There also arrived a brigantine, with passengers, from Scotland. Sept'r. 14. Hugh Denoon advertised wine. Petitions for and against trade with the United States were presented to the governor and council at this time. Governor Parr writes, 29 Sept'r., to lord Sydney. States that the sudden accession of inhabitants had made fresh provisions dear, and that in consequence he and the council had admitted import of such food from New England; that this had afforded relief to the new settlers, but some merchants in Halifax, who had kept up flour to the rate of £3 10s. per cwt., and the farmers in the country who sold their cattle at high prices, were hostile to this trade. Parr defended his course as favorable to the growth of the young stock of cattle in the province, and to the sale of articles of British manufacture which the New England people took in exchange. 1 October. The governor and council determined that all vessels, being the property of H. M. loyal subjects, taking refuge in this province, shall have registers. In October, Mr. Carleton, the governor of the new province of New Brunswick, arrived at Halifax, with his family, from London, in the *Saint Lawrence*, captain Wyatt, after a voyage of eight weeks.

On monday, 1 November, 1784, the seventeenth and last session of the fifth general assembly of the province was convened at Halifax, (its first session having begun 6 June, 1770.) This may be called our long parliament, having existed over fourteen years. John Parr, esquire, was the governor; the chief justice, Bryan Finucane, president of the council; Thos.

Cochran, speaker of the house of assembly ; Richard Bulkeley, secretary of the council ; and Richard Cunningham, clerk of the assembly. William Abbott, esquire, was returned member for the county of Halifax. (He was called captain Abbott, and built a very good house on the West side of Water street, Halifax.) Joshua Sanford was returned for Newport. John Fillis was chosen speaker, but declined to serve, on which Mr. Thomas Cochran was chosen unanimously. Governor Parr, in his opening speech, informed the assembly that the king had divided the province into two governments. "The" "line of separation is to be drawn from the mouth of the" "Missiguash river, in the bay of Fundy, to its source, and" "from thence across the isthmus into the nearest part of the" "bay Verte." The new province to be called New Brunswick. Monday, 1 Nov'r. Richard J. Uniacke, William Shaw, Benjamin Green and John G. Pyke, were the committee to prepare answer to the governor's speech. 3 Nov'r. On motion of Mr. Uniacke, a place was ordered to be fitted up for the freeholders to hear the debates, reserving the right of the house to exclude strangers when necessary. On motion of Mr. Phillips, ordered, that on a division, the names of members voting on each side should be entered on the journal. The 14th rule, which prohibited members "taking notes of other member's" "speeches, or conversing upon the same out of the house," was repealed. Tuesday, 9 Nov'r. The governor, by message, notified the house that the allowances for the support of the orphan house, and for the keeper of the light house, had been discontinued from 31 Dec'r., 1783, and referred to their consideration to make provision for these services. 16 Nov'r. Stephen Delancy, member for town of Annapolis, sworn. 17 Nov'r. Jonathan Crane, for King's, and Benajah Collins, for Queen's counties, were sworn in. Messrs. Pyke, Ritchie, Fairbanks, Fillis, Chipman, Whidden and Woolenhaupt, committee to inspect government house. Thursday, 25 Nov'r. The sum of £260 was voted to the assistant judges, Isaac Deschamps and James Brenton, for revising the laws. Saturday, 27 Nov'r. Richard Cumberland having resigned the office of agent for this province, Brook Watson was chosen agent.

(Mr. Watson was either born in or came a boy to Nova Scotia. He lost a leg in the West Indies by the bite of a shark. He became afterwards lord mayor of London, and was knighted. He conducted a large business as a London merchant, sending goods to the British N. A. provinces.) 29 Nov'r., (monday.) Mr. Shaw, a member of the house, refusing to attend and produce vouchers to his accounts, as a public accountant, having been sheriff of Halifax county, and a balance of £127 15s. 6½d. appearing against him, he was adjudged to be in contempt—his seat declared vacant, and the messenger was ordered to take him into custody. 30 Nov'r. The messenger reported him to be *non est inventus*. Monday, 6 Dec'r. The house voted to the two associate judges of the supreme court, £400 each; to the solicitor general, £100; to the treasurer, £400; to the speaker, £100; to the rev. Mr. Weeks, chaplain of the house for 38 days, at 5s., £9 10s. od.; Peter Etter, messenger, 47 days, at 5s., £11 15s. od.; for repairs of orphan house, £100; support of children, £393 8s. 3d. On wednesday, the 8 Dec'r., the governor gave his assent to several acts, and prorogued the assembly. By one of the acts, 25 G. 3, c. 5, two members were allowed for the county of Shelburne, two for county of Sydney, one for township of Shelburne, and one for the county of Digby. (formerly called Conway.)

Monday, 1 Nov'r. Judge Brenton held a court of oyer and terminer at Shelburne, at which four men were found guilty of robbery, and sentenced to death. Some convicts were brought here, but the governor refused leave to land them. 16 Nov'r. Mr. Desbarres, governor of cape Breton, arrived at Halifax, from Portsmouth, England.

By a letter of governor Parr's, it appears that members of assembly at this time received 10s. a day during the session, but that none of those who lived in town received this, but only those who attended from the country. By the late acts, six new members were added, but four were lost by the separation of New Brunswick, so that the whole number would now be but two over the previous representation. In another despatch he reckons the population as follows: In and about Halifax, 1200; Eastward, as far as Chebucto, 2000; thence to

the Isthmus, 900; Cumberland and Partridge island, 700; in and about Windsor, 800; county of Annapolis, 4000; West coast, 800; district of Shelburne, 10,000; total, 20,400.—At a meeting of council at Halifax, 10 Dec'r., 1784, present, governor Parr, hon'ble. Bryan Finucane, Richard Bulkeley, Henry Newton, Jonathan Binney and Alexander Brymer, councillors. The new commission to Mr. Parr included the peninsula of Nova Scotia and the islands of St. John and cape Breton. He was sworn into office under this and on a commission of vice admiral, and the five councillors present were also sworn. Governor Parr wrote to lieutenant governor Desbarres, advising him to continue in force in the island the laws of Nova Scotia, until the island should increase in population and have its own legislative assembly.

On sunday, 21 Nov'r., Thomas Carleton, the first governor of New Brunswick, with his lady and family, arrived at St. John's about 3 o'clock in the afternoon, having crossed the bay from Digby in six hours in the sloop Ranger, Cornelius Hatfield, master. He was enthusiastically welcomed by the loyalists. His entrance of the harbor was announced by a salute of seventeen guns from the Lower cove, and three huzzas, and the instant he landed the same number of guns were fired at Fort Howe. On his landing, he was received by a great concourse of the inhabitants, who rent the air with acclamations of joy. He was escorted to the house of Mr. Leonard, at York point, which had been previously got ready for his reception. On entering the house, the crowd gave him three cheers, with cries of "Long live the king and" "the governor." Next day, monday, his commission was read to a thronged audience. Besides governor Carleton, the secretary of the new province Jonathan Odell, Thomas Knox, and other gentlemen, members of council, came with him from Digby. A proclamation was issued by his excellency, dated at the council chamber in Parr town, 22 Nov'r., 1784, in which the bounds of his province are stated; and on the 25th, another, requiring all grants and deeds to be registered there. He was addressed by "his majesty's exiled loyalists from" "different parts of the American continent, now resident on"



“ St. John's river.” They call him “ the brother of our illustrious friend and patron, Sir Guy Carleton,”—designate themselves as “ a number of oppressed and insulted loyalists,”—say they were formerly freemen, and again hope to be so under his auspices,—congratulating himself, his lady and family, on his “ safe arrival to this new world, to check the “arrogancy of tyranny, crush the growth of injustice, and “establish such wholesome laws as are and ever have been “the basis of our glorious constitution.” They also allude to him as having been colonel of the 29th regiment in the late rebellion. To this address he replied in modest and moderate terms. The expressions used in this document appear to be tinged with resentment against the government of Nova Scotia. I cannot see any evidence of tyranny, injustice or insult on the part of Mr. Parr, his civil officers, or of the council and assembly of the original province, towards the new comers: on the contrary, they seem to have exerted themselves in every way to meet their wants and wishes. Great allowance must, however, be made for men who, by the events of the civil war, are forced to exchange their once happy homes for a country in a wilderness state—a milder climate for a more rugged one, and who were in a manner drifting on a disastrous current.

December 24. Sampson Salter Blowers was made attorney general of Nova Scotia; Mr. Gibbons chief justice of Cape Breton.

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## APPENDIX TO CHAPTER III.

### ( 1. )

In council, 20 February, 1784:—

Land at Caraguet was voted to the following persons, in proportion to their families:—Francis Gronnest, — Zacarie, René Bouteille, Pierre Gallien, Adrian Gallien, Louis Malloire, Louis Lantagne, Pierre Frizaux, Enri Chenard, Jacques Morre; Michael Pazize, Gabriel Albert, Pierre Albert, John Baptist Poullen, Louis Bridaux, Charles Poirier, Charles Gauvin, Oliver Legerre, Oliver Blanchard, René Gallant, Pierre Tibodeaux, Alexis Cormier, Tadez Landry, Alexander Landry, Joseph Dugas, Pierre Landry, Anselm Landry, Joseph Boudraux, la veuve Giroux, le vieux Bouillit, de Lille de Mercery, and Joseph Chiapon.



## ( 2. )

In council, 5 August, 1784 :—

In consequence of discontents at Shelburne as to allotments of land, the governor and council appointed the following persons there, as agents to assign lands to the settlers, according to the king's instructions, and to report to the governor :—

Isaac Wilkins, James McEwen, Abraham Van Buskirk, Joseph Brewer, David Thompson, Joshua Watson, Benjamin Davis, Charles McNeal, Ebenezer Parker, Alexander Leckie, Joshua Pell, Nicholas Ogden, Robert Gray, justices of the peace ; Valentine Nutter, Peter Lynch, William Charles White, John Lownds, Alexander Robinson, Patrick Wall, Michael Langan.

Isaac Wilkins, and any four of the rest, to be a *quorum*. (Mr. Isaac Wilkins was father of the late judge Wilkins, and grandfather of the present judge of that name.)

## ( 3. )

Sheriffs appointed by the governor, 1784 :—

Francis Green, Halifax ; Robert Tucker, Annapolis ; Charles Baker, Cumberland ; William Dalton, Lunenburg ; Elisha Dewolf, King's county ; John Emerson, Hants ; James Clark, Queens county.

November, 1784. Mr. Botsford, reverend Mr. Brudenell, colonel Barton, and messrs. Hill and Stump, were authorized by the governor to lay out and assign unlocated lands in Digby to such persons as were unprovided. (However well *Hill* and *Stump* may have acted in their official capacity, Field and Grove would have better met the wishes of new settlers.)

## ( 4. )

10 June, 1784. Grants were ordered to Benoni Dentremont, Pierre Meuse and others, of lands in Argyle.

Fees were established for the governor, secretary, and other officers, on grants of lands, chancery decrees, &c. &c. For the lands granted to the soldiers and loyalists at this time, these fees were charged to the government.

## CHAPTER IV.

1785. In the first part of this year we find Escheat proceedings to annul the earlier grants of land were frequent.—In Halifax, the orphan house appears to have been abandoned, as the building and ground were advertised to let for seven years. Surveyors' bills for £1170 3s. 4d. were passed. 18 Feb'y. Edward Howe was appointed a justice of the Inferior court of Common Pleas for the county of Annapolis. (He most likely was a son of the captain Howe, killed by the Indians near fort Lawrence.) At Annapolis a plot was discovered. One Young had 50 desperate fellows under his command, and they had settled a plan to be carried out on the Queen's birth night. While the principal inhabitants were at the anniversary ball or assembly, they were to murder justice Bunhill—plunder the town, and convey the pillage on board a vessel, and go off to Boston. Young was arrested, and confined in the gaol at Annapolis. Governor Wentworth resided at this time in Halifax, as we find the house and grounds he occupied are advertised—stated to rent for £250 per annum. 1 April. The further importation of lumber from the United States was forbidden. 21 April. The import of provisions from the United States was also forbidden after 30 days, except in British vessels, as frauds had been committed, and other goods brought in. In April, 194 negroes arrived in a most destitute state from St. Augustin, and rations, clothing and blankets were asked for by the governor from the military stores for their present relief. Some commotions now arose in Shelburne, (created by a few factious persons,) chiefly connected

with the allotment of lands, but they soon subsided. A memorial had been presented to the governor against Mr. Isaac Wilkins. It seems that Mr. Wilkins had bought 5000 acres of land on the St. John river in 1770, and also owned 750 acres near Parrtown, (St. John.) He had waived his rights there in favor of the loyalists, submitting to an escheat of his lands, on a promise of a new grant here, which he received, of lands in the county of Shelburne. This was charged against him, and he cleared himself triumphantly of the accusation. [*N. S. Gazette*, 19 April, 1785.] The late attorney general, Gibbons, received an address of thanks from the loyalists in New Brunswick, for his attention in forwarding their grants of land. 26 April. He offers his house and garden at Halifax, upper side of the parade, to sell or let.—A charter was granted by governor Carleton, dated 18 May, 1785, by which the inhabitants of Parr town, on the East side of the harbor, and of Carleton, on the West side, at the mouth of the St. John river, were incorporated as a city, by the name of ‘the city of’ ‘Saint John.’ They were to have a mayor, recorder, six aldermen, and six assistants. The city was divided into six wards. Ward Chipman, (the attorney general), was thereby made recorder; Bartholomew Crannel, city clerk; George Leonard, Thomas Menzies, William Paine, William Pagan, Stephen Hoyt and John Holland, to be aldermen; John Colvill, Munson Jarvis, Richard Seaman, Fitch Rogers, John Ness and Adino Paddock, assistants; George Leonard, chamberlain and treasurer; James Stewart and Amos Arnold, marshals; Ebenezer Holly, high constable; William Sanford Oliver, sheriff of the city; John Hazen, coroner. It is to be observed that the institutions of New Brunswick resemble those of the province of New York, especially in the instance that the seat of government was eventually fixed up the river at Fredericton, in imitation of Albany, while Nova Scotia followed more closely the pattern of Massachusetts. In June, governor Parr asks lord Sydney to allow further rations to the people in the new settlements for another year. Owing to the absence of messrs. Goreham and Butler, who were in England, and the non-residence of others in Halifax, he appointed Mr. Thomas

Cochran, (who had been speaker of the assembly), and Charles Morris, surveyor general, to be members of the council, and they were sworn in 29 June.—15 July. Two negroes were convicted for a rape. 16. Four persons convicted for theft. August 27. Two men convicted for piracy, and executed on George's island, tuesday, 6 Sept'r. --- Many persons belonging to Nantucket designed to settle here to carry on the whale fishery, and addressed queries to governor Parr as to the reception and encouragement they might expect. Parr wrote, 27 July, to lord Sydney, giving favorable views as to their project. Mr. Morris' accounts of surveys from 1 January to 31 March, 1785, were £1037 2s. 6½.; and 8 August, another account, £918 18s. 0½d. 3 August. Chief justice Finucane died; and 8 Aug't., Isaac Deschamps, who had been 16 years a *puisne* judge, was sworn in as chief justice. On friday, 5 August, Finucane was buried in a vault under St. Paul's church. In the gazette he is called "an upright judge—an" "honest man—a warm friend, and an accomplished gentle—" "man." --- 4 August, (thursday.) Four men were executed. 1 Sept. A scale of fees for the judges was adopted in council. 3 Sept. The turnpike gate at Sackville was demolished;—rewards of £20 and £5 offered.

On the 9th September, Mr. Samuel Sheldon Poole was made a justice of the peace for Queen's county. (This gentleman was a graduate of Harvard college. He was long a member of our house of assembly. He was the father of the house in 1826. He evinced always great integrity, public spirit, and an unaffected simplicity of manners and character. I remember well the filial kindness and attention which Sir James Kempt bestowed on this old man, at his official dinners. I was at Yarmouth in 1839, and saw the ruins of the house he had long dwelt in.) Sept'r. 20. Governor Parr writes to lord Sydney, that, in consequence of the encouragement which he gave them, there had lately arrived in this port three brigantines and one schooner, with their crews, and every thing necessary for the whale fishery. He expected very soon their families would come here, as well as the value of their property at Nantucket converted into such



commodities as should be most convenient for transportation ; also he looks for the arrival of a ship and three more brigantines thence, for the same employment.

The governor and council, by proclamation, dated 20 Oct'r., dissolved the general assembly, which had existed since 1770. The writs for the new house were returnable 1 Dec'r. The poll at Halifax was to open 8 Nov'r., tuesday, at 8 A. M.

The surveyor in chief was ordered to make a return of vacant lands at Dartmouth, in order to grant them to Samuel Starbuck, Timothy Folger, and the rest of the people from Nantucket.

Candidates who advertised :—For county of Halifax : J. Brenton, J. G. Pyke, S. S. Blowers, Rich'd. J. Uniaeke, Sam'l. Waddington, Jonathan Sterns, Geo. Wm. Sherlock, Michael Wallace ; (Brenton withdrew.) For the town of Halifax : John Fillis, Wm. Coehran, Benj. M. Holmes, Ptk. McMaster.—Nov'r. 8. Two men were executed for a robbery at Liscomb harbor. Christopher Sower was king's printer in New Brunswick, and advertised a newspaper, to be called 'The New' 'Brunswick advertiser,' to be issued every tuesday, at 10s. per annum. 17 Oct'r. Parr reiterates his complaint that the loyalist settlers would not afford any assistance to the surveyors as chainmen and axemen, not even to lay off their own allotments.

347 tuns whale oil, belonging to Starbuck and Folger, and 2½ tuns belonging to Gideon Gardner, brought to Halifax from Nantucket, were shipped for England in October.

The loyalists and disbanded soldiers complained to governor Parr that Mr. Wentworth, surveyor general of the woods, had exacted fees from them of one shilling for every hundred acres. Parr enquired if this was sanctioned by his majesty, as all the officers of this government were restricted by H. M. from receiving any fees "from these unfortunate people," an order that had been rigorously adhered to.

Some of the inhabitants of Halifax petitioned for a charter to incorporate the town. Mr. Parr laid this before the council 17 November. The council were of opinion that it would not be safe, expedient or necessary to comply with the request.



It will be remembered that a similar proposal had been made much earlier. This application was doubtless owing to the charter granted to St. John by governor Carleton in the spring.

15 Nov'r. An office was opened at Halifax by the hon'ble. colonel Thos. Dundas, and Jeremy Pemberton, esq'r., commissioners of enquiry, into the losses sustained by the American loyalists. The British parliament had voted £150,000 as a payment on account to these sufferers for their present relief. They (the commissioners) accordingly advertised for claims, affidavits, &c. On the 16th, they received a complimentary address, signed by 53 loyalists.—On the 19th, brigadier general Arnold, (formerly in the American, now in the English service), came to Halifax, passenger in the brigantine Lord Middleton, 5 weeks from London.

The sixth general assembly met at Halifax, in its first session, on monday, 5 Dec'r., 1785. Mr. Bulkeley was president of the council, and Francis Shipton secretary of that house. The house of representatives chose Sampson S. Blowers speaker. Governor Parr, in his opening speech, recommended to the assembly to encourage a whale fishery,—to re-enact expiring laws,—to act with unanimity and despatch, and to defer business not immediately pressing. The house chose James Boutineau Francklin, clerk; the rev. Wingate Weeks, chaplain, and Peter Etter, messenger. 14 Dec'r. The notes and warrants outstanding, £8992 1s. 7½d.; demands on treasury, £2591; total of public account, £12,477 4s. 8½d. £100 a year was voted to Matthew Pinnell, the keeper of Sambro light house. 22 Dec'r. The house passed a vote of thanks to major-gen'l. Campbell, for ordering soldiers to assist in repairing Windsor road. 23 Dec'r. A joint address of both houses to limit importation from the United States to flour, wheat, rice, corn and rye meal, and a complaint of American vessels trading at Canso. Saturday, 24 Dec'r. Bounties were proposed, viz.: 2s. 6d. per bushel for flax seed raised in the province; £5 per ton for potash made here; £20 for every saw mill to be erected in 1786; ten shillings per ton on vessels over 40 tons built in the province; an aid to whale fishermen to build

habitations ; £50 for the greatest quantity of hemp raised here, &c.,—most of which were voted. On the 28 December, (wednesday), the assembly was prorogued, after passing 6 acts. The members returned to this new house were :

County of Halifax : S. S. Blowers,\* John George Pyke,\* Rich'd. J. Uniacke,\* Michael Wallace.\*

Town of Halifax : John Fillis,\* William Cochran.\*

County of Lunenburg : D. C. Jessen,\* John Wm. Schwartz.\*

Town of Lunenburg : Casper Wollenhaupt.

Queen's county : Simeon Perkins,\* Benaja Collins.

Town of Liverpool : Ephraim Dean.\*

Yarmouth : Samuel Sheldon Poole.\*

Barrington : Joseph Aplin.

County of Annapolis : Thomas Barclay,\* David Scabury.

Town of Annapolis : colonel Delancey.

Granville : Benjamin James.\*

County of Hants : Benj. Dewolfe,\* Winckworth Tonge\*.

Windsor : John McMonagle.\*

Newport : John Day.\*

Falmouth : Jeremiah Northup\*

King's county : Jonathan Crane,\* Elia. Laurence.\*

Cornwallis : Benj. Belcher.

Horton : Gurden Dennison.\*

County of Cumberland : John B. Dight,\* Chris. Harper.

Amherst : Wm. Freeman.

Truro : Matthew Archibald.\*

Onslow : Charles Dickson.

Londonderry : James Smith.\*

The members marked \* attended at the opening of the session, being 24 in number. The seat of Mr. Harper, for the county of Cumberland, was declared vacant, as he was not an inhabitant of the province. Mr. Seabury's election for Annapolis county was declared void. Mr. Freeman's return for Amherst was annulled, as he is not an inhabitant of the province. These three gentlemen, it appears, were absent—*les absents ont toujours tort*. 17 Dec'r. Alexander Leckie, and Charles McNeal, members returned by the new county of Shelburne, and Isaac Wilkins for the town of Shelburne, were

all declared duly elected, and took the oaths and their seats. New writs were asked for the vacant seats.

1786. Some persons in Halifax and Annapolis proposed to cut a road from Annapolis to St. Margaret's bay, and asked for a grant to each of a lot half a mile wide and two miles long—that is 640 acres—which was agreed to in council.

5 Jan'y. The birth-day of queen Charlotte had been kept as a great festival in this province for many years ; and this year, 1786, much pains were taken to make it genial and happy. Capt. Buller, R. N., capt. Addenbrook, of the army, and collector Newton, distributed the tickets for the ball. I cannot better pourtray this festive affair than by inserting here the description published in the Gazette on the second day following, exhibiting, as it does, the tone and feeling of the social circles of that period in their own good humored and fantastic language :—" 1786. Halifax, January 20. [N. S. Gazette.] Wednesday last (18 Jan'y.) being the anniversary of her majesty's birth day, the same was celebrated here by a discharge of cannon from the fort on citadel hill, and H. M. ships in the harbour. Detachments from each of the regiments in the garrison were drawn up opposite major-general Campbell's, where they discharged three vollies ; after which, there was a levee at his excellency governor Parr's, at which were present the gentlemen of the navy and army—the officers of government, and many of the principal inhabitants of the town. The evening was concluded with a splendid ball at Roubalet's, the following description of which has been sent us by a correspondent : A brilliant assembly was opened at the Pontac, where the splendid array of the Cytherian train, and the confectionary preparations of signor Lenzi, exhibit a most celestial appearance. The ball began at half after eight : and considering the numerous concourse of subscribers, who were chiefly dancers, and the consequent confusion of so crowded a company, the whole was conducted with that necessary good order and impartial regulation that afforded additional pleasure to every one present, and honor to the gentlemen who officiated as managers. At the close of the fifth country dance,

supper was announced in the most romantic manner, by the sudden elevation of a curtain that separated the two rooms, and displayed to the enraptured beholders a complete masterpiece of pastry work. In the middle of the table sprung up an artificial fountain, in defiance of the frost itself; and on each side, at proper distances, were erected pyramids, obelisks and monuments, with the temples of Health and Venus at the top and bottom. During the course of the repast, the music attended to delight the ear, and pleased the more delicate senses, while the great variety of most exquisite (dishes?) served to gratify the palate." In our modern manners of solemn seriousness—in this age of political excitement, of white chokers and black frocks, it is doubtful whether the innocent gayety—the lively *abandon* of harmless mirth—the universal good fellowship that existed some 80 or 100 years ago, could ever be restored or replaced. We have no doubt made many steps onward in civilization, science and refinement, but we still do not agree to differ, and it is perhaps far more difficult in this advanced community to bring together its divided elements in social and amiable companionship, than it was in the days of our grandfathers; and it may be a question whether, in the contests attending on our process of perfecting political institutions, we have not lost much of that simple, neighborly kindness of heart that somehow co-existed with the less perfect state of things as we esteem it of a century ago.

Mr. Philip Marchinton was chosen for the vacant seat in the assembly for the county of Cumberland. (He was the grandfather of major Welsford, killed in the Crimea, at Sebastopol.) Mr. Charles Hill was returned for the township of Amherst. J. M. Freke Bulkeley and James Putnam were chosen to represent the new county of Sydney.

Lord Sydney, secretary of state, wrote 28 April to governor Parr, disapproving of the introduction of the whale fishermen from Nantucket into Nova Scotia.

From the 20th to the 30th May a great fire raged in the woods, near Halifax. On Sunday, 28th, a house at Birch cove, called Bedford lodge, was destroyed by it. In July, the fires spread Eastward, and did much damage at Sheet harbor.—



On sunday, 4 June, the king's birth-day, there was a levée at government house, a royal salute from the citadel, and three vollies fired by the troops ; and next day the ship Lively arrived here from a whaling voyage.

The assembly met thursday, 8 June, (6th assembly, 2d session.) Messrs. Bulkeley, Putnam, Marchinton, Hill, Seabury and Millidge, were sworn in. Subsequently Alexander Howe obtained the seat for which Seabury had been returned, and was sworn in. Balance of debt against the province, £8862 5s. 2½d. 23 June. Major Barclay was ordered to apologise for a letter, in which he said "the majority of members appear" "to have come determined, right or wrong, to vacate the" "election," referring to the contest for Annapolis between David Seabury and Alexander Howe, and the major accordingly apologised. Wednesday, 28 June. The house passed an address, complaining of the fees taken from coasters, &c., at the custom house and naval office. 1 July. They addressed the governor to limit the United States trade, as destructive to this province, asserting that lumber, oats, potatoes, peas, beans, &c., are raised here in plenty for use and export.—Monday, 3 July. A bill was debated on for raising a revenue by a tax on *unmarried men*, but deferred to the next session. No doubt this was an attempt of some jocose member to produce a little merriment. The votes of money were liberal for these times. Assistant justices, each £400 ; treasurer, £400 ; clerks of council and assembly, £100 each ; expences of council, £30 ; speaker, £100 ; clerk of crown, £100 ; solicitor general, £100 ; king's printer, £80 ; keeper of building, £30 ; two waiters at Halifax, £140 ; guager, £80 ; contingencies, £150 ; agent, £100 sterling ; keeper of light house, £100 ; £50 sterling to miss Elizabeth Belcher, for 1787, provided she resides in the province ; £300 contingent expences of the assembly ; chaplain, £10 ; messengers, £7 ; Mrs. Deborah Cottnam, past services as keeper of building, £30 ; Dr. Almon, services at poor house, £60 ; Dr. Nicolai, £100, &c. &c. On tuesday, 11 July, the assembly was prorogued.

The king in council had, on the 24th March, 1786, ordered "that no goods or commodities, being the growth or manu-



“facture of the United States of America, should be imported into this province or its dependencies; except, horses,” “neat cattle, sheep, hogs, poultry, and all other species of” “live stock and live provisions,—peas, beans, potatoes,” “wheat, flour, bread, biscuit, rice, oats, barley, and all other” “species of grain,—also lumber of every sort.” These were to be only imported by British subjects, in British vessels, owned and navigated according to law, and this was to be permitted only as long as the governor and council proclaimed it to be necessary. By proclamation, 23 June, such importation was permitted accordingly.

A carrier was this summer employed by the post office to take letters from Halifax to Annapolis, once a fortnight.

16 July, 1786. H. R. H. prince William Henry, (afterwards Wm. 4th.,) arrived at Placentia, commander of the *Pegasus*, 28 guns, accompanied by the *Rose*, capt. Harvey. He proposed to go to Halifax in the autumn, and to winter in the West Indies.—Sept'r. 5. The ship *Lyon* left Halifax with 135 tons spermaceti oil, 40 tons whale oil, 8759 lbs. whalebone, 1 bundle and 5 casks small furs, 1257 moose and cariboo skins.—Sept'r. 9. Two vessels left Halifax on whaling voyages,—the schooner *Parr* and the *Lively*,—and at the end of this month the ship *Romulus* also left on a whaling voyage.

In October, it would seem that Mr. Parr ceased to be governor of Nova Scotia, as he writes to lord Sydney, acknowledging the receipt of the king's commission to him as lieutenant governor of this province. From this time I believe it was the practice to give to the governor at Quebec, commissions as governor of each of the lower or maritime provinces, while the lieutenant governors administered their affairs, unless when the governor came in person to take the command, which was of rare occurrence.

A part of Wilmot was now set off as a separate township, and named Aylesford, and a parish was set off at Parrsborough. Gilfred Studholme's account, as agent for the settlement of loyalists and disbanded troops on the river St. John, was audited by the council of Nova Scotia, and fully approved, on the 19 Oct'r. It amounted to £1188 17s. 0½d. expended. They

praise his conduct highly, and recommend that a compensation of 20s. a day be granted him for his services. (But on the 22 May; 1787, the governor objected to his charge of 10s. a day from 9 May, 1783, to 31 Aug., 1784, so stated in a letter probably from Mr. Bulkeley.) Gov'r. Parr. writes to Edmund Fanning, esq'r., lieutenant governor of the island of St. John, and James Frederick Wallet Desbarres, esq'r., lieutenant governor of the island of cape Breton, Halifax, 14 Nov'r., 1786. He informs them of lord Dorchester's intention, signified to him by letter of 23 Oct'r., 1786, of visiting the different provinces and islands under his government, recommending unity and friendly intercourse, and advising them to communicate with his lordship. This lord Dorchester was sir Guy Carleton, who was created a peer in the same year, 1786.

Prince William Henry arrived at Halifax from St. John's, N. F., in the Pegasus, on wednesday, 4 October. On thursday morning he landed at the king's slip, where the people thronged joyfully to see him. He was welcomed on shore by major general Campbell and lieutenant governor Parr, who conducted him to government house. There he received the visits and congratulations of the officers of the garrison and the principal inhabitants of the town. He afterwards took a walk round to view the town, and then returned to dine with his excellency. H. R. H. having expressed his desire that all military forms and etiquette, with respect to his princely dignity, should be laid aside, and himself considered merely as a naval commander, general orders were accordingly given out in the garrison to that purport. Early in the evening, a number of the respectable inhabitants of the town, from a wish to express the high sense they entertained of the honor conferred on them by the Royal visitor, determined to illuminate their houses; and although this was at first opposed, from a supposition that it might be disagreeable to H. R. H., yet it was found impossible to stop the general tide of joy, which broke forth and pervaded all ranks of people on this occasion, and by 8 o'clock, P. M., the whole town was made as gay as possible. Every house brilliant, and the streets crowded with people full of cheerfulness and satisfaction. On wednesday, 25 Octo-

ber the prince sailed in the Pegasus, for the West Indies. On the 21 October, lord Dorchester and his suite arrived from England, at Quebec, where he was received with acclamations by the inhabitants, and the city was illuminated the same evening. 7 Nov'r. Two men were executed at Halifax, for burglary and robbery. Saturday, 9 Dec'r., a young gentleman, named William White, accompanied by his dog, attempted to go from Liverpool to Shelburne by the new road which had been lately marked, and perished from the severity of the weather. The dog returned to Liverpool on the tuesday following, and led a party to the body. About the same time, James Grant, esq'r., agent victualler, arrived at Halifax from Quebec, by the land route. 22 Dec'r. A ship, of 250 tons, called the Roseway, was launched at Shelburne, where it was built by merchants resident there. This was asserted to be the first ship that had been launched in the province since its first settlement. (The French government had built one or more men-of-war in early times in this province.)

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## APPENDIX TO CHAPTER IV.

### (1.)

William Allan, esq., died at Halifax 19 May, 1785, in his 68th year. Thursday, 4 August. Dr. W. J. Almon was married to miss Rebecca Byles, daughter of rev. Dr. Byles.

### (2.)

In the town of St. John, N. B., there were 1184 grantees in one grant, and 93 in another. 429 lots in the town grant of St. Andrews. At Shelburne, 1140 persons were contained in 34 separate grants.

### (3.)

A high German society held its first meeting at the house of Pcter Artz, North suburbs of Halifax, 23 Feb'y., 1786. President, John Wm. Schwartz; Dr. Frederick Gschwind, vice president; Anthony Henry and Daniel Hail, assistants; Godfrey Schwartz, treasurer; Henry Uthoff, secretary; John Miller servitor.

### (4.)

1785. Windsor market every tuesday and saturday, and Windsor fair second tuesday (10th) October, held at Forthill; advertised 1786.

## CHAPTER V.

1787. On 5 April, the king's commission, appointing John Parr, esqr., lieutenant governor of Nova Scotia, was read in council. 7 June. John Haliburton, esq'r., was sworn in as a member of H. M. council. The British house of commons voted £3351 17s. 6d. this year for defraying the civil establishment of Nova Scotia for 1786. A great fire occurred at Boston, which was compared with those of 1711 and 1760. 60 dwelling houses and 40 other buildings were destroyed, and the light of it was visible near 50 miles. In June, George Leonard, esq., superintendant of trade and fishing at Canso, was blamed for interfering with American vessels entitled to fish, &c., under the treaty. The loyalists at Annapolis were informed of lord Sydney's refusal to grant them further supplies. Mr. Bulkeley, the secretary of the province, was now appointed register of grants, deeds, &c., in place of Mr. Goold. Mr. Fanning, lieutenant governor, at this time assumed the administration of the government of the island of St. John.—25 June. The Freemasons went in procession, preceded by a band of music, to St. Paul's, and heard a sermon by Mr. Weeks. In coming back, a shower of rain forced them to 'scurry' off to their lodge rooms, where they contrived to enjoy themselves.

Thursday, 28 June. Prince William Henry arrived at Halifax in the Pegasus, frigate, which he commanded, in 15 days passage from Jamaica. On Friday, the 29th, at 2½ P. M., the prince landed at the slip, the troops of the garrison forming a double line from the water side to the government house, (which then occupied the site of the present province building),

through which he passed, a royal discharge being fired at the time by a detachment of the artillery on the king's wharf. The inhabitants collected around, testifying their loyalty and affection. Prince William was escorted by the lieutenant governor and council, and on his entering government house received a complimentary address from the lieutenant governor and council. He dined with Mr. Parr, and the loyal toasts given were each saluted by artillery drawn up in front of the building. The evening was celebrated by a ball given by his excellency, and by a general illumination of the town. Tuesday, 3 July. Prince William reviewed the troops here, viz., 1st battalion 60th regt., and companies of 37th and 57th, and received an address of compliment from the people of the town. 7th July. The Pegasus, with several other men-of-war, fell down to the beach, (Mauger's beach), and on saturday, the 14 July, they sailed with the prince on board, for Quebec.

Two whalers returned this month, with 1060 bbls. oil, and 72 cwt. whalebone. The 4th regiment arrived, and the 60th went to Quebec. The port of Shelburne now was ordered to include in its custom-house district, 'Digby, St. Mary's', 'bay, Clare, Yarmouth, Barrington, Shelburne, Green river,' 'Ragged island, Sable river and port Hebert,' and all other parts of the province to be within the custom-house district of Halifax. In August, a fine new brig, built at Lunenburg, arrived at Halifax. On the 14 August, prince William Henry was received at Quebec by lord Dorchester, &c., and addresses, salutes and illuminations. The governor of New Brunswick, Mr. Thomas Carleton, arrived at Halifax 2 Sept'r. He was now a brigadier general and commander of the forces in Nova Scotia, &c. Friday, 7 Sept'r., he sailed for Shelburne, and returned to Halifax 14 Sept'r. Tuesday, 16 Oct'r., the rev'd. Charles Inglis, D.D., bishop of Nova Scotia, arrived at Halifax.

The 6th general assembly of the province, 3rd. session, took place at Halifax on thursday, 25 October. John Parr, lieutenant governor; Isaac Deschamps, chief justice and president of council; S. S. Blowers, speaker; James Gautier, secretary of council; and James Boutineau Francklin, clerk of assembly. On wednesday, 24th, the navy squadron returned from Quebec,



and prince William Henry with them. Friday, 2 Nov'r. Both houses voted an address to the prince, and a dinner and ball in his honor to take place on monday, 5 Nov'r. For the cost of this entertainment the house afterwards voted £700. On the day appointed, (5 Nov'r.) the barge of the Pegasus, carrying the royal standard of England, preceded by commodore Herbert Sawyer, in his barge with his pennant, and the captains of H. M. ships in their barges, each with his pennant flying, moved slowly at 2, P. M., in procession from their ships to the king's wharf. At leaving the ship, the Prince was saluted with 21 guns from each ship. At the stairs or slip of the king's wharf, on landing, he was received by lieutenant governor Parr and the members of the council and assembly, and saluted by a detachment of Royal artillery. The regiments in garrison, under brigadier general Ogilvie, were drawn up under arms from the stairs to the government house, and carpets were spread throughout the whole way. As his Royal highness passed, he received the salutes of the officers of the regiments, and was attended by the lieutenant governor, commodore, commissioner and navy captains, members of council and assembly, and magistrates. The day was remarkably fine, and all the spectators appeared much gratified. When he arrived at government house, the prince received an address of congratulation from the lieutenant governor, council and assembly. Meanwhile the line of troops were changed from the government house to the Golden ball, (corner S. W. of Sackville and Hollis streets.) At 3, P. M., the prince, attended by Mr. Parr and the navy and army officers, went from government house to the Golden ball, (tavern), where a very handsome dinner was provided for him. Here he dined with the chief civil and military officers, and the members of the legislature. At 6½, P. M., the prince retired from the banquet. In the evening a ball and supper were given "at Mr. Marchinton's new building in Water street, at the public expense." (This was the British coffee-house, kept afterwards by Nath'l. Callendar, on the lower side of Water street, adjoining the North end of the Ordnance wharf premises, near the foot of Marchinton's lane, sometime since called Bell's lane.) The

prince entered the ball room a little after 8, P. M. The dancing soon after commenced, and continued till midnight, when the company were conducted into the supper room. Tables were laid sufficient to accommodate 200 persons. On the 12 Nov'r., (monday), prince William Henry sailed in the Pegasus.

Saturday, 17 Nov'r. Lieut. gov. Parr sent a message to the house respecting charges made against Mr. Binney, the superintendant of trade and fisheries at Canso, wholly exculpating him. 19 Nov'r., commodore Sawyer hoisted his flag as rear-admiral of the white. 22 Nov'r. A committee of assembly reported in favor of schools. They recommended that £200 sterling be given to a headmaster, who should be a clergyman of the established church; £100 a year to a professor of mathematics and natural philosophy, and point out Windsor as the best situation for a seminary. They express apprehensions of evil to our youth if sent to the United States for instruction, where they would lose their attachment to their native land, and imbibe principles unfriendly to the British constitution. They declare this province in point of "situation, climate, salubrity of air and fertility of soil, inferior to" "no country and superior to most"—"they cannot but be jealous of the honor of it. They recommend a grant of £400 to pay teachers' salaries, and that the lieutenant governor, the bishop, the president of council and speaker of assembly, be the governors and manage the school.

28 Nov'r. Major Millidge, member, for Digby, moved that dissatisfaction having prevailed in the province relative to the administration of justice in the supreme court, this house should, to-morrow, at 10 o'clock, go into a committee of the whole house on the investigation of the facts which have occasioned those dissatisfactions, which passed unanimously. At the instance of major Millidge, the clerk was desired to request messrs. Sterns, Taylor and Wood, attornies, to attend when the committee of the whole house should sit. On the 29th and 30th, Mr. Sterns, the leading accuser, was heard at great length in his account of several cases tried in the supreme court, in order to prove the malconduct of the judges. He then signed the minutes taken of his examination. Mr. Taylor,

at the request of the tired members, gave in a written statement, and the committee reported Sterns' examination and Taylor's statement, without any resolution or opinion on them. Millidge then moved an address to be prepared to the lieutenant governor, which address stated the complaint, giving copies of Sterns' and Taylor's charges, and referred the whole matter to his excellency to act upon. — Mr. Sterns had been clerk of ordnance stores at New York; Taylor was said to be respectably connected, and to be 'a man of good understanding, tho' of a peculiar kind.' Some persons deemed the attack on the judges, Isaac Deschamps and James Brenton, as an 'unfriendly, if not cruel act, to deprive men of their bread in 'the decline of life'—men who could not live many years longer—who had large families to struggle for, and who had 'served the public in difficult offices for many years,' on charges of, at most, errors in judgment on one or two trifling occasions. A contemporaneous writer treats the charges as futile, and calls judge Deschamps 'the good old man,' and adds, 'a gentleman of a more tender and benevolent heart' 'than justice Deschamps does not at this day exist in Nova Scotia.' [*N. S. Gazette*, 25 March, 1788.] Saturday, 1 Dec'r., 1787. An address to the lieutenant governor, on the subject of administration of justice, was adopted, in which they inform his excellency "that complaints have been laid before us of "the improper and irregular administration in office of H. M. "justices of the supreme court, *the proofs of which, as they* "have been offered to us, we beg leave to submit to your excellency, and to request you will be pleased to institute an "enquiry into their conduct, in such a manner that a fair and "impartial investigation may take place, that the public be "fully convinced of their innocence or criminality, and that "they themselves may be satisfied in what they have an "undoubted right to expect—a trial by their peers."

Dec'r. 6. Stated as paid for Dartmouth buildings, £1541 17s. 6d, (Whalers' accommodation.) £200 was voted to the chief justice, in lieu of fees, for 1788. The revenue collected in the province from March, 1786, to 30 June, 1787, is stated at £9697 18s. 11<sup>3</sup>/<sub>4</sub>d., (of which over £8000 was collected at

Halifax.) The balance of account against the province, £9914 18s. 8½d. 11 Dec'r. The lieutenant governor replied by message to the address, respecting the administration of justice. He says: "I have your address of the 3rd instant, with the" "complaints exhibited therewith against H. M. justices of" "the supreme court, which are of so serious a nature as to" "require a very deliberate investigation, which cannot at" "present be gone into. I cannot, however, avoid remarking" "to you that many of the charges are matters of legal opinion," "in which the judges and some of the practitioners have" "differed; which are circumstances that have often happened" "in England with the twelve judges; and as to the insinua-" "tions of a more criminal nature, they appear to be entirely" "void of foundation; and I believe that no charge of par-" "tiality or corruption in office can in any degree be imputed" "to them. However, you may rely on it, that the whole" "shall be fully considered in such way as to do ample justice" "to all concerned." Wednesday, 12 Dec'r. Lieut. governor Parr gave his assent to several acts, and then prorogued the assembly.

At the late session of the assembly an act was passed to authorize the sale of the orphan house, the court house, slaughter house and gaol, in Halifax, and for building a province house of brick or stone, to accommodate the council, assembly and courts of justice, with offices for registry of deeds, clerk of crown, prothonotary and clerk of the peace, (28 G. 3, c. 10.) The building intended was not actually begun until 1811.

1788. In January, H. M. council consisted of the following members: Bulkeley, H. Newton, Gorham, Goold, Creighton, Butler, Brymer, Deschamps, T. Cochran, Morris, Halliburton, and Bruce. On 3 January, lieutenant governor Parr appointed Henry Duncan, commissioner of the Halifax navy yard, and the attorney general, S. S. Blowers, to be members of the council, in the places of messrs. John Creighton, of Lunenburg, and Mr. James Bruce, collector of customs at Shelburne, on the ground of their absence, and the difficulty he found from their non-attendance, and the absence and bad health of



other members, by which he could not assemble a council on any important occasion. They were accordingly sworn into office, and Mr. Parr wrote to lord Sydney, informing him of it. About three weeks after, a letter from the secretary was sent to Mr. Creighton, to notify him of his being thus superseded. At this time Halifax county was represented in the assembly by messrs. Blowers, Uniacke, Pyke, and M. Wallace. The first of these having accepted a seat in the upper house, made a vacancy for the county as well as in the chair of the house. Matthew Cahill, the high sheriff, gave notice of an election for the vacancy. Charles Morris, junior, and Jonathan Sterns, were candidates. The poll opened wednesday, 20 February, and closed friday, 22d, when there appeared for Morris 415 votes, and for Sterns 274. At the close of the election, Morris was carried in triumph "on the shoulders of his fellow citizens from the court-house to his father's house," (South suburbs), "from thence to the dockyard and through Dutch-town, and then through all the principal streets of the town," "surrounded by an immense concourse of people, who filled the air with their repeated acclamations of joy." The types, it seems, were actively used in this contest. Hand-bills and libels are mentioned, and complaints arose of licentiousness of the press. The government was attacked in this way, and the violent passions of the populace excited. The gazette, of the 26 Feb'y., says : "The unwearied and spirited exertions of a number of respectable gentlemen in a great measure calmed the minds of the people, and prevented their violence being carried to any great lengths, nevertheless, it was utterly impossible, in such confusion, to prevent many persons from being wounded and hurt, two of whom, we are sorry to inform the public, remain in a dangerous state, one having his skull fractured by some persons who rushed out of Laycock's house, on the beach, and the other having been dangerously wounded by a shot from a window in the same house. We are likewise sorry to inform the public that Mr. Benjamin Mulberry Holmes, and his son, have been much beaten and abused by the populace on friday night, and were it not for the very fortunate and timely interpo-



“sition of Mr. Tobin’s man, and some others, it is probable”  
“they would have fallen a sacrifice to an enraged multitude.”  
One life was lost, as the grand jury state, on the 7 March, besides those dangerously wounded. They say further, that on the 20th, 21st and 22d February, a number of armed persons, in a riotous and disorderly manner, paraded the streets, and attacked inoffensive parties. Some sarcastic verses were published in connection with this election, probably written by the rev’d. Dr. Byles, a man of great humor.

Tuesday, 1 April. The supreme court opened at Halifax, when messrs. Sterns and Taylor acknowledging the authorship of certain publications in the public papers, printed by John Howe, on the 6, 13, 20 and 27 March, reflecting on the judges, the chief justice, (hon. Isaac Deschamps), stated his views in full, and struck them both off the roll of attornies.

In council, 3 April. Present: lieut. governor Parr, chief justice Deschamps; messrs. Bulkeley, Newton, Cochran, Morris, Haliburton, Duncan and Blowers, councillors. Several printed publications, highly reflecting on the lieutenant governor and council, signed ‘Sterns and Taylor, attornies at law,’ concerning their proceedings in respect to the complaints against the justices of the supreme court for misconduct, having been under consideration, it was therefore ordered that the said attornies shall no longer be admitted to appear before them on any business in that capacity.

This may be regarded as the period when party divisions were first experienced in Nova Scotia. It will be noticed that two old gentlemen, (judges), both highly respected and eminently loyal, were attacked. One who had long been identified with the colony, Deschamps,—the other, Brenton, formerly secretary to the Royal commission at Rhode island to enquire into the destruction of the vessels of war by the disaffected. Mr. Sterns led this attack, he being one of the loyalists recently settled here. There had been at the very first beginning of the settlement of Halifax, something like a division between the settlers from England and those who joined them from New England, but this difference died out shortly after without occasioning much mischief, the people being

united to defend themselves against the French and their Indian allies. Now, however, circumstances had brought into the country a new and numerous population from New England, New York, &c., and a rivalry of interests sprung up between their prominent men and the older inhabitants. We see the first working of this leaven in the discontents at St. John river—the partition of the province at their desire—the difficulties at Shelburne, and now the charges against the supreme court judges, and the heats, tumults and violences at the Halifax election in February, gave evidence of a fermentation among the people. The party division thus originated extended for some years to the house of assembly, and it was long before it was quite allayed. An anonymous correspondent of the Nova Scotia gazette at this time alludes to it as a division into ‘old comers and new comers’—or ‘loyal-ists and ancient inhabitants.’ On the 8th April, Jonathan Crane and Elijah Laurence, members for King’s county, and Benjamin Belcher, the member for Cornwallis, addressed a memorial to the lieutenant governor, stating the disbarring messrs. Sterns and Taylor, as if it were for having given their evidence before the house of assembly, and praying that they might be restored to practice. Lieutenant governor Parr, in answer, says that they were struck off the roll ‘for their publications in the newspapers, and not for the evidence given’ ‘to the house,’ and being advised by the council and by the attorney and solicitor general that the supreme court had not exceeded its authority, or misused the power vested in it by law, he declines interfering.

In June, the freemasons had a great procession and banquet. 170 of the brethren dined together, among whom lieutenant governor Parr, as grand master, took part. July 5th, there fell an extraordinary heavy rain, which was calculated to have been at the ratio of 21,760 gallons per acre, within four hours. July 17, the hon. Jeremy Pemberton arrived from Quebec, having been appointed chief justice of Nova Scotia. His commission, signed by Mr. Parr, is dated 19 August, 1788.

Prince William Henry again visited Nova Scotia, coming in command of the frigate *Andromeda*, from Great Britain, which

arrived at Halifax 17 August. The 21st was his birth-day. Salutes were fired—troops paraded, and the town illuminated in the evening. On several subsequent days he reviewed the corps in garrison; dined (25th) at the barracks of the 4th regt. —29th with captain du Vernet, R. A., salutes, fireworks, &c., being used. 2 Sept'r. he dined at Sutherland's coffee-house, with lieut. governor Parr, general Ogilvie, and several officers of army and navy. 10 Sept'r. he attended to see a sham-fight on the common, performed by the garrison. In August, two vessels, which went from Halifax to Quebec for cargoes of wheat, returned without any of that commodity; and in September, the brig *Laura*, sent thither for the same purpose, returned without any wheat. 22 Sept'r., anniversary of the coronation, was kept with great display of firing guns and fireworks on the exercising ground. 29th Sept'r. the prince left on a cruise.

October 21, (tuesday.) Chief justice Pemberton opened the supreme court for Michaelmas term. His patent was read, and he charged the grand jury. On the same day the prince returned in the *Andromeda*, from a cruise. Anthony Henry was now appointed king's printer, under the royal sign manual. Nov'r. 1. The bishop opened the academy at Windsor, Seventeen students attended. Soon after this, chief justice Pemberton sailed for England, in the *Hercules*, capt. Wyatt.

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## APPENDIX TO CHAPTER V.

### (1.)

In the summer of 1778 a weekly mail overland to Quebec was advertised to be made up each Saturday by Joseph Peters, deputy post master general for Nova Scotia.

### (2.)

In June, 1788, ship *Parr*, Folger, master, and *Romulus*, Chase. July, a sloop and four brigs,—all whaling vessels from this port, returned with full cargoes of oil, &c.

(3.)

7 May, 1788. Lord Mountmorres came here from England, on his way to New York.

21 June, 1788. In the ship Colworth, Gilson, London, came passenger lord Edward Fitzgerald, major 54th regiment.

(4.)

Halifax, 21 June. Married, by the bishop of Nova Scotia, John Butler Dight, esq., to miss Morden, daughter of James Morden, esq. Mr. Dight was nephew of the hon. John Butler, member of H. M. council for the province, and as his adopted heir, took the name of Butler. His son is the present colonel Butler, of Windsor, N. S.

Halifax, Sept'r. 30, 1788. Married, last evening, Mr. Provost Wallace to miss Elizabeth Lawlor, daughter of Mr. William Lawlor, of this town. (The name was Wallis.) His son was 2d lieut. of the British frigate Shannon, at the capture of the American frigate Chesapeake, in the war of 1812-1815. He rose to be an English admiral. A daughter was married to lord Jas. Townshend, captain R.N. Mr. Provost Wallis was long an officer of the Halifax Dockyard.

Died, 22 Dec'r., 1787, Mr. Joseph Cochran, in his 85th year.

Married, 17 Dec'r., 1788, capt. John Beckwith, 57th regt., to miss Polly Haliburton, eldest daughter of the hon. John Haliburton, esq.

(5.)

Theatre—Pontac.—This evening, (tuesday), the 30 December, instant, (1788), will be performed *The Guardian*, and *the Lying Valet*, a farce;—between the pieces a hunting song. The characters by gentlemen of the town. Tickets 3s. each, to be had of Mr. Minns. Doors open at 6—curtain drawn up precisely at 7. Net proceeds to go to charitable purposes.

(6.)

Address of 3 December, 1787 :—

' We, his majesty's most dutiful and loyal subjects, the Representatives of the  
' province of Nova Scotia in General Assembly convened, beg leave to address  
' your Excellency upon a subject of the utmost importance; and on which we  
' cannot be silent, without betraying the sacred trust reposed in us by the people;  
' a trust we dare not sacrifice even to the feelings of humanity, and which in the  
' present instance we discharge with a degree of reluctance that nothing but a  
' sense of our duty can overcome.

' The regular and impartial administration of justice is so essential to the hap-  
' piness, and we may say to the existence of every government, that no wise legis-  
' lature can be inattentive to it, but on the contrary they will ever make it an  
' object of their first, and most watchful regard.

' On this ground it is, we now inform your Excellency, that complaints have  
' been laid before us of the improper and irregular administration in office of his  
' Majesty's Justices of the Supreme Court, the proofs of which, as they have been  
offered to us, we beg leave to submit to your Excellency, and to request you

‘ will be pleased to institute an enquiry into their conduct, in such a manner, that  
‘ a fair and impartial investigation may take place, that the public be fully con-  
‘ vinced of their innocence or criminality, and that they themselves may be satis-  
fied in what they have an undoubted right to expect, a trial by their peers.’

Lieut. Governor Parr’s answer of 11 December, 1787 :—

‘ I have your address of the third instant, with the complaints exhibited there-  
‘ with against his Majesty’s Justices of the Supreme Court, which are of so serious  
‘ a nature as to require a very deliberate investigation. which cannot at present  
‘ be gone into. I cannot, however, avoid remarking to you, that many of the  
‘ charges are matters of legal opinion, in which the Judges and some of the prac-  
‘ titioners have differed ; which are circumstances which have often happened in  
‘ England with the judges : and as to the insinuations of a more criminal nature,  
‘ they appear to be entirely void of foundation, and I believe that no charge of  
‘ partiality or corruption in office can in any degree be imputed to them ; how-  
‘ ever, you may rely on it, that the whole shall be fully considered in such a way  
‘ as to do ample justice to all concerned.’



## CHAPTER VI.

1789. As long accustomed, the queen's birth day was celebrated on the 29 January, (monday.) At noon, a levée was held at government house, a royal salute fired from citadel hill, and the troops in garrison, drawn up on the parade, discharged three volleys of small arms, and at 1, P. M. H. M. ships at anchor in the harbor gave a royal salute. Although this day was kept, it appears that queen Charlotte was actually born 19 May, 1744. Feb'y. 2. The academy at Windsor was publicly visited, and the pupils examined. There were in all 25 studying, 10 of whom boarded in the house. This was the germ of the present Windsor college.

At this time a statement had been published in London representing Shelburne as a failure, and that the inhabitants were rapidly deserting it. This was denied by persons there, who published, as an offset, a list of their exports in 1787 and 1788, shewing a marked increase in the last year. [*See appendix.*]

The assembly met on thursday, 5 March, (sixth general assembly, fourth session.) It had not been convened at all in 1788—that I can find, and the reason of this deviation does not appear. It is, I think, the only instance since the first assembly met in 1758, of a whole year passing without a session. Their first business was to choose a speaker, the chair being vacant by Mr. Blowers taking a seat in council. Mr. Uniacke was proposed by captain Howe, and major Barclay by Mr. Putnam. Uniacke was elected. Lieut. governor Parr opened the session with a speech.—George William Sherlock, elected for Liverpool, took the oaths and his seat.

Thursday, 12 March. The following message was received by the house from the lieutenant governor, delivered by the deputy secretary of the province :

' In consequence of your address to me in your last session, '  
' that enquiry should be made into the conduct of the judges '  
' of the supreme court, on several charges which had been '  
' brought against them for misbehavior in office, I accordingly, '  
' with his majesty's council, proceeded on that enquiry, and '  
' called on the judges to answer, which having been consider- '  
' ed, together with the several allegations brought in support '  
' of such charges, I did, with the unanimous opinion of the '  
' council, agree, that the charges against the judges were not '  
' supported by the proofs which accompanied your address. '  
' The whole of the proceedings have been long since trans- '  
' mitted to his majesty's minister, but I have not yet received '  
' any answer thereto.'

(Signed)

JOHN PARR.

On a division of the house whether this message were satisfactory, the vote was : for the affirmative, messrs. Fillis, Dight, Jessen, Northup, Dickson, Dennison, Pyke, Howe, William Cochran, Dewolfe, Wollenhaupt, Sherlock, Morris, Hill, Bulkeley—15 ; negative, messrs. Day, Tonge, James, McMonagle, Leckie, Crane, Wilkins, McNeil, Belcher, Marchinton, Archibald, Schwartz, Millidge, Barclay—14. Saturday, March 14. A debate took place on this subject. The speeches on this occasion have been preserved in a newspaper. They are the earliest published debates in our assembly that I have found. Mr. Wilkins made a prefatory speech, in which he treated the lieutenant governor as having virtually relied on the advice of his Privy council and his principal law officers—that a want of confidence in the judges universally prevailed ; and suspicion having been once turned to men in their exalted station, nothing but the fullest acquittal could obliterate the stain. He compared the case to admitting the acquittal of a prisoner solely on his own plea of not guilty.—He then offered the following resolution : " From every information relative to the investigation of the conduct of the judges, as to their improper and irregular administration in

office, of which they had been accused in a late session in this house, it evidently and fully appears that his honor the lieutenant governor has been deceived by the evil and pernicious advice of his Privy council, and has by their means been inadvertently induced to give his sanction to a mode of trial absurd, unjust, and altogether unconstitutional, and such as tended rather to excite the indignation and increase the discontent of the public, than to allay their jealousies and satisfy their minds—and such as tended, from the very nature of it, not to display the innocence of the two unfortunate judges, but indelibly to fix a stigma of guilt and reproach upon them, whatever their merits or demerits might have been ; and as these gentlemen's respectable private characters, their social connexions, as well as their high and important office, gave them an indubitable claim to a more candid, public and solemn investigation of their conduct, and such as should have left, after their acquittal, not even the least suspicion of criminality, the contrary of which is now most obviously and universally the case ; in consequence of which, the fountains of public justice, from a strong suspicion of being tainted, are in danger of being rendered entirely useless to the public. I therefore move that an humble and respectful address be presented to his excellency the lieutenant governor, that he will be pleased to remove from his presence those evil and pernicious councillors, until his majesty's pleasure shall be known." Major Barclay seconded this motion, and said, " That during the " interval between the debate of friday and this moment, he " had revolved the whole of the transactions of the governor " and council, on the subject of the judges, repeatedly in his " mind : and the more he considered it, the more he was convinced of the iniquity of the proceeding, and the propriety of " the motion now before the house." He went on to impress on the house the great importance of their public position—offered to act as a physician to raise them from langour and lethargy, and referred to the natural equality of men, to be modified by social laws and order. He now begged the house to consider themselves as representing the aggregate of the community. " They were the guardians of their rights and

“ liberties. As such, in this province, they could only have  
“ their peers, not their superiors. He begged they would par-  
“ ticularly attend to the magnitude of their office ; they were  
“ there placed as a check upon the other two branches of the  
“ legislature, and ought religiously to watch that the liberties  
“ of the people should be inviolably preserved, and obstinately  
“ defended. He was convinced of the necessity of these  
“ remarks. He saw many members in the house wanting  
“ confidence of their own powers, and he wished to take them  
“ by the hand, and place them in the seat they ought, and had  
“ an undoubted right to fill—in that seat (bowing to the house)  
“ he would now view them—and declared, that they had an  
“ undoubted right to scan, not only the conduct of his excel-  
“ lency’s Privy council, but even the governor’s also. True it  
“ was, that the king could do no wrong, but it did not follow  
“ from thence that his representative was equally perfect. By  
“ this remark he by no means intended to find fault with the  
“ conduct of his excellency. What he had done was dictated  
“ by his Privy council, and they alone were and ought to be  
“ answerable for that advice.” He conceived the council in  
general, and one of them in particular, highly culpable. Some  
he thought were men of honor, but weak. He censured the late  
speaker, attorney general Blowers, severely for having tacitly  
sanctioned the proceedings of the house in the last session,  
and now taking distinct part on the contrary side. He said :  
“ We find him openly and avowedly, in his letter to the gover-  
“ nor, calling himself an advocate for these gentlemen, whose  
“ cause, when under the inspection of the house, he had seem-  
“ ed to give up as indefensible. He had repeatedly declared,  
“ not only to professional men, but even to Mr. McGill, the  
“ incompetency of the judges,—and, although he denied to  
“ Mr. McGill his having pledged himself to Mr. Sterns, to  
“ come forward before the house as their accuser, still he would,  
“ on the arrival of the governor-general, apply to him for their  
“ removal. From such conduct and expressions, was it possi-  
“ ble the attorney general, previous to a regular trial, could  
“ declare the judges innocent ? and ought he not, after being  
called up to the council, particularly to have detailed the



“ whole of our proceedings on this solemn occasion. He (the  
“ attorney general) was in duty bound to declare the sentiment  
“ of the house—to have pointed out that the complaint against  
“ the judges originated in it—that many of the members, the  
“ solicitor general, major Milledge, and myself, gave informa-  
“ tion on the occasion—that the complaints of messrs. Sterns  
“ and Taylor were taken down in writing, because they were  
“ not members of the house, and for the satisfaction of the  
“ house in case they wished their information to be repeated.  
“ The information given by the members was unnecessary to  
“ be taken down in writing, for the house could always recur to  
“ them for personal information. That by the information of  
“ messrs. Sterns and Taylor, the house only intended to shew  
“ his excellency that they had made an enquiry beyond the  
“ limits of their own walls, and not to hand them up with the  
“ address as a proof of the criminality of the judges. That the  
“ house expected, whenever the trial took place, that public  
“ notice would have been given, in order that some of the  
“ members might come forward as evidence. That as no part  
“ of the information had been taken on oath, it could not pos-  
“ sibly serve to condemn the judges,—and if they were to be  
“ tried, it ought to be according to law and custom, by living  
“ evidences, duly sworn, and regularly examined by both par-  
“ ties. Had the attorney general given such information and  
“ advice to the council, it was more than probable a very differ-  
“ ent mode would have been pursued. From the conversation  
“ that passed between the attorney general and Mr. McGill, it  
“ evidently appeared that the former had, in some measure,  
“ pledged himself to Mr. Sterns ; but that as he had not been  
“ consulted on the present occasion, he would not come for-  
“ ward. His pride appeared affected, and from that source his  
“ subsequent actions probably derived their origin. He then  
“ adverted to the extract of the council, and called on the par-  
“ ticular attention of the house to the manner in which it was  
“ worded. The language, he declared, marked their temper—  
“ it was criminating men who had been summoned to give  
“ information, which corresponded with the information of  
“ some of the members now present. How could the council



“possibly declare the information then before them to be  
“scandalous and groundless? Could the simple answer of the  
“judges justify so harsh a decision? If their answer could  
“legally be admitted as an evidence of their innocence, justice  
“was at an end, and every species of villainy might pass unpunished. Admitting a man charged with murder by the  
“indictment of a grand jury, would a denial of the fact acquit  
“the prisoner? He then entered largely on the mode of trial  
“by jury, by pointing out the duties of grand and petit juries  
“—the satisfactory mode in which trials were held—the  
“nature of receiving evidences, and the solemnity and candor  
“of courts on such occasions, and declared the late trial and  
“acquittal of the judges wanted every one of the ingredients.  
“He concluded with declaring, that he was jealous of the  
“honor and reputation of the house, and conjured them, by  
“their determination on this occasion, not to entail infamy on  
“their posterity. The rays of science, he said, had hitherto  
“shone but obliquely on this northern hemisphere; but  
“Apollo, the Sun of Science, was now beaming his more direct  
“rays on the hills of Windsor, and we should be cautious, lest,  
“when we are in our graves, our more enlightened children  
“should have cause to blush at the conduct of their fathers.

“Captain Howe said, That after the former notice on this  
“subject had been dismissed the house, he had hoped the  
“house would not be again troubled on this business; but he  
“said, that, Proteus-like, he found the business was to be  
“brought forward in different shapes; that he had, from principles of duty, opposed the former motions, and should give  
“his opposition to the present motion, as he deemed it more  
“exceptionable than either of the former: For it appeared to  
“him, that it went to a dissolving of one branch of the legislature, and he really thought we might as well apply to the  
“governor, and request him to dissolve the whole legislature.  
“He thought that the present motion tended to Rebellion,  
“and that when our journals were seen by his majesty’s ministers, it would give them but a melancholy idea of the state  
“of this country, and be in its consequences of the utmost  
“injury to us.”

Major Barclay explained the difference between the council in legislative session, and when acting as an executive or privy council.

Mr. Wilkins objected to the word 'Rebellion,' as used by captain Howe, and distinguished between dissolving the council as a branch of the assembly, and suspending or dismissing them as privy councillors. "That he had ever lamented it as "an unfortunate part of our constitution, that the office of "legislative and privy council were so intimately blended together. But the power of the governor to suspend them at "pleasure, and again to appoint, *pro tempore*, others in their "stead, removed in a great measure the inconvenience, and in "this instance rendered the conduct of the house perfectly "consistent and constitutional."

Captain Howe said, "it was not his intention to charge the "gentleman who brought forward this motion, with rebellion ; "but what he meant to communicate was, the motion struck "him as having a tendency to rebellion. That, for his own "part, he could not possibly see the propriety of the distinction between the council, as a part of the legislature, and his "excellency's privy council : that they acted under one commission, which could not possibly be severed. That he had "had the honor to serve his majesty many years—that he "wished to maintain the honor of government, and to dis- "countenance everything that had a tendency to interfere "with it. He believed the gentlemen who were supporting "this motion had the popular voice with them ; but considerations of that kind should not influence him from the line of "his duty. He did not see the conduct of the late speaker of "that house in the point of light it had been represented. "The gentleman was shocked at the proceedings of the house, "which appeared to him to be absurd and ridiculous, seeing "the house obstinately persevering in it, and having so honorable a call to go up to the council, he thought the gentleman "had done perfectly right in leaving this house and accepting it."

Major Barclay observed, "that if the purport of the motion "intended what captain Howe supposed—a dissolution of the

“council—he acquiesced in opinion, that so strange a measure merited any epithet that could be bestowed on it; but “he conceived the explanation of Mr. Wilkins so very distinct, “that no man in his senses could possibly hesitate a moment “on the merits of the present motion. He declared nothing “was more usual than for his majesty’s commons to pray a “dismissal of his ministers, and averred, that nine times out “of ten the purport of the prayer was effected. To quote “authorities on this occasion, would be an insult to the memory of the house.”

Some warm expressions now passed between Mr. Wilkins and captain Howe, on the word *Rebellion*, on which the speaker called the gentlemen to order. The debate was continued by messrs. Marchinton, Day, Belcher, &c. Messrs. Wilkins and Day became personal to each other, and the speaker had to interpose a second time. Day wished to adjourn, and Bulkeley seconded his motion. [It was then observed, that it was better if an adjournment took place, to be on monday rather than wednesday, as there was some business mentioned that would probably interfere on that day.] Mr. Bulkeley then acquiesced in its being on monday; but major Barclay and others appearing against the motion for adjournment, the question was put, whether the further consideration should be adjourned to monday, and carried in the negative.

Mr. Day said, that there were two things that always marked a bad cause—haste, and a wish to prevent enquiry. He should, therefore, give his negative to the motion before the house. He declared he was of no party, and never would act under the influence of a party; but would on all occasions give his voice according to what appeared to him most for the welfare of the country.

The question was now put, when there appeared, for the motion, 9; against the motion, 20.

The above account is slightly abridged from the *Weekly Chronicle* (vol. 3, no. 152) newspaper of saturday, March 21, 1789. By the journal of the house, the division is thus stated: for the resolution, messrs. James, Wilkins, Leckie, Belcher, Collins, Marchinton, Millidge, Barclay—8; against it, messrs.

Fillis, Dewolfe, McMonagle, Crane, Dennison, Archibald, Dickson, Dight, Sherlock, Morris, Bulkeley, Northup, Jessen, Schwartz, Wollenhaupt, Pyke, Howe, Hill, Cochran, Day, Tonge, 21.

21 March, (from the journals):

Paid for shipbuilding since October, 1787,	}	£749	3	9
For saw mills,		282	12	0
For different roads,		1160	6	7
Flax seed,		27	12	6
For bridges,		139	2	10
		<hr/>		
		£2358	16	10
Lighthouse at Shelburne,		401	5	5
		<hr/>		
		£2760	2	3

The revenue raised in the province between June, 1787, and 31 Dec'r., 1788, for excise duty, sunk duty and impost, was £10,618 6s. 5 $\frac{3}{4}$ d. The balance against the province was £13,932 6s. 8d. 31 March, the house addressed the lieutenant governor, praying that boards, clapboards and shingles might be imported from the United States.

Monday, 6 April. The seat of James Smith, member for Londonderry, was vacated, he being a public defaulter—that of Stephen DeLancey, for Annapolis, who had obtained an office in the Bahamas, and that of Joseph Aplin, for Barrington, for absence from the province for two years; and it was resolved that if Elisha Laurence, member for King's county, do not return before next session is proclaimed, a writ is to issue to fill up his seat. Tuesday, 7 April. It was resolved, on motion of Mr. Dight, that the speaker, on delivering the appropriation bill for assent, should express to his excellency the lieutenant governor the high sense which the house have of his great attention to the various duties of his station, as well as to the expenditure of the public money. On Thursday, 9 April, the house attended his excellency in the council chamber, and the speaker addressed lieutenant governor Parr,

as resolved on 7th. The lieutenant governor assented to several bills, and then prorogued the assembly.

23 April. St. George's day was kept as a great holiday. The news of the king's recovery from a serious illness increased the rejoicing. Salutes from forts and men-of-war—volleys from the soldiery on the grand parade, and a general illumination of the town at night, exhibited the joy of the navy, garrison and inhabitants.

Convicts had been landed in Cape Breton in the past winter, and suspected of lurking about Halifax.

On thursday evening, 19 March, lord Edward Fitzgerald, major 54th regt., (part of which is stationed at Fredericton), arrived, with another gentleman of the same regiment, at Quebec. They came from Fredericton in 35 days. His lordship was 31 days on snow-shoes, and without seeing a house. They came by a new route.

On the 17 May, (sunday), H. M. S. Dido, captain Charles Sandys, arrived at Charlottetown, in St. John's island, in four days from Halifax. Passengers, the right rev. Charles Inglis, bishop of Nova Scotia; the rev. Mr. Jones, of the church of Rome; and the hon. Jonathan Binney, member of the council of Nova Scotia. 3 June, (wednesday.) H. M. S. Thisbe, capt. Hood, arrived from Cape Breton. On the 27 May they had a very thick snow storm there. 4 June, the king's birthday was honored by salutes, a levée, &c.

In the summer of 1788, three vessels, sent to Quebec for wheat, returned to Halifax, empty; and now the governor gen'l. wrote to this government, that there was in Canada a great scarcity of bread corn, and asking for facilities of receiving supplies of flour, meal, biscuit, rice and Indian meal from this quarter, but the justices in quarter sessions at Halifax sent in a memorial from the bakers of Halifax, setting forth that there is not more flour in the town of Halifax at present than would suffice to provide bread for 3 or 4 days. It was therefore ordered by the lieutenant governor and council that no vessels should be cleared for Quebec, except the brigantine Ceres, until further orders. 18 July. John Grant got leave to re-ship for Quebec 210 barrels Quebec flour, said to be unsaleable here. 20 July,



flour was 20s. per cwt., and the 6d. loaf was ordered to weigh 2 lb. 6 oz. averdupois.

On 8 June the bishop of Nova Scotia arrived at Quebec in the frigate *Dido*, and landed there under a salute of eleven guns. 23 July. The court-house in Halifax, and several buildings, were burnt. The site was on the N. E. corner of Buckingham and Argyle streets. 31 July. Rear admiral Sir Richard Hughes, appointed to the command of the navy on this station, arrived at Halifax in *H. M. S. Adamant*, captain Knox, in 7 weeks from Plymouth.

In July and August sickness and death were so frequent in New York, that the corporation forbade the ringing of the bells.

There had been a block-house on citadel hill, a conspicuous object, but it became ruinous, and was removed in October, 1789. Notice was given of this for the information of masters of vessels. It was added, "the flag and signal staff still" "remains, and may be seen from sea, as usual."

In November, a society for promoting agriculture in the province of Nova Scotia, was formed. Hon. R. Bulkeley, president; Hon. Henry Newton, vice president; Mr. Lawrence Hartshorne, treasurer; Mr. James Clarke, secretary. Some little good was effected by this early effort; but it was not till a quarter of a century later that a powerful impulse was given to the improvement of agriculture by the writings and example of the late John Young, of Willow Park, who signed (*Agricola*) the father of the present chief justice William Young.

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## APPENDIX TO CHAPTER VI.

(1.)

### LEGISLATIVE BODY IN 1789 FOR NOVA-SCOTIA.

Governor—Lord Dorchester, (who was also governor of the provinces of Quebec and New Brunswick.)

John Parr, esq., lieutenant governor.

## H. M. COUNCIL.

Hon. Jeremiah Pemberton.	Thomas Cochran.
Richard Bulkeley.	Charles Morris.
Henry Newton,	John Halliburton.
Arthur Goold.	Henry Duncan.
Alexander Brymer.	S. S. Blowers.
Isaac Deschamps.	

(As the name of colonel Joseph Gorham was in the published list of councillors for 1788, but omitted in 1789, I conclude he had died in 1788.)

Mr. Binney's name is given as attending in council 17 May, 1787, after which it is omitted. He lived, however, until 1807.

## MEMBERS OF THE HOUSE OF ASSEMBLY.

For county of Halifax—Charles Morris, Richard J. Uniacke, John Geo. Pyke, esquires, and Mr. Michael Wallace.

Co. of Annapolis—Major Thomas Barclay, and Alexander Howe, esq.

Cumberland—John B. Dight, esq., and Mr. Philip Marchinton.

Queen's—Simon Perkins, esq., and Mr. Benajah Collins.

Lunenburg—D. C. Jessen and John William Schwartz, esqrs.

King's—Jonathan Crane and Elijah Laurence, esqrs.

Hants—Benjamin Dewolf and Winckworth Tonge, esqrs.

Shelburne—Alexander Leckie and Charles McNeil, esqrs.

Sydney—J. M. Freke Bulkeley and James Putnam, esqrs.

Town of Halifax—John Fillis, esq., and Mr. William Cochran.

Onslow—Charles Dickson, esq.

Truro—Mr. Matthew Archibald.

Londonderry—Mr. James Smith.

Annapolis—Colonel Delancey.

Granville—Benjamin James, esq.

Lunenburg—Caspar Wollenhaupt, esq.

Horton—Gurdon Dennison, esq.

Cornwallis—Mr. Benjamin Belcher.

Falmouth—Jeremiah Northup, esq.

Newport—Mr. John Day.

Amherst—Mr. Charles Hill.

Windsor—J. McMonagle, esq.

Liverpool—Mr. George W. Sherlock, (in place of Ephraim Dean.)

Yarmouth—Mr. Samuel Sheldon Poole.

Barrington—Joseph Apline, esq.

Digby—Thomas Millidge, esq.

Shelburne—Isaac Wilkins, esq.

In all 39 members.

## OFFICERS OF THE GOVERNMENT.

Secretary of the province and registrar of deeds and grants—The hon. Richard Bulkeley, esq.

Chief surveyor of lands—Charles Morris, esq.

Attorney general—S. S. Blowers, esq.

Solicitor general—R. J. Uniacke, esq.  
 Prothonotary and clerk of the crown—William Thomson, esq.  
 Treasurer—Benjamin Green, esq.  
 Naval officer—Winckworth Tonge, esq.

SUPREME COURT.

Chief justice—Jeremiah Pemberton.  
 Assistant justices—Isaac Deschamps and James Brenton.  
 — Bulkley was judge of vice admiralty, and C. Morris, register.

THE SHERIFFS WERE :

Halifax—Matthew Cahill.	Queen's—Joseph Pinkham.
Annapolis—Robert Tucker.	Hants—Peter Shcy.
Cumberland—Hancé Bakcr.	Shelburne—Ebenezer Parker.
Lunenburg—Edward James.	Sydney—James Lodgec.
Kings—Elisha Dewolf.	

ARMY.

Brigadier general James Ogilvie, commanding the troops.  
 George Brinley, esq., was commissary general, with Gregory Townsend and Roger Johnson assistants to him.  
 J. M. Freke Bulkeley, was comptroller of army accounts.  
 James Putnam, deputy barrack-master general.  
 James Morden, barrack-master and ordnance storekeeper.  
 Reynolds and Fife, clerks.  
 William James Almon was surgeon to the ordnance and artillery.  
 Rev'd. Mather Byles, D. D., chaplain to the garrison.

I need hardly point out the value that accurate lists of public officers' names possess, — in giving clearness and certainty to narratives, — and in the aid they may afford to biographical and genealogical research. I feel a pleasure in recalling from the names of the public men of the province of 1789, those whom I have seen, and those I have as a boy conversed with. Of the council of that year, S. S. Blowers— Of the assembly, Uniacke, Pyke, Charles Morris, Michael Wallace, Alex. Howe, Jonathan Crane, William Cochran, Benjamin James, Charles Hill, S. S. Poole— Of the officials—William Thomson, the prothonotary, and doctor W. J. Almon, the amiable and respected head of that family. I feel it a privilege to have *seen* men who governed the province 77 years since, and a still greater to have received much valuable instruction from some of the above named, as well as others of their contemporaries. I feel linked, as it were, with the early settlers of Halifax, not only by descent, but much more by the oral traditions of their sufferings, their principles and conduct. They have left us patterns of simplicity of character, of candor, humanity, loyalty and generosity, that cannot fail to be reproduced in an intellectual and civilized community.

(2.)

23 January, 1789. The buildings belonging to messrs. Cochrans, which occupied the site of the provincial building, intended for a post office, &c., were burnt.

(3.)

One Jesse Lawrence, who lived on the isle of Sable, to receive wrecked people, and to carry on the seal fishery, was attacked by people from Massachusetts, who landed there and wantonly pillaged and destroyed his house and effects, and then compelled him to leave the island. He received some compensation from governor Hancock and his council, which still left him a sufferer. Boston, 1 January, 1789. [Copied in N. S. Gazette, 10 Feb'y., 1789.]

(4.)

Grand theatre, Argyle street, 26 Feb. Merchant of Venice, and the farce of the Citizen. The characters by gentlemen of the navy, army and town. Tickets to be had of Mr. Howe, printer. Boxes, 5s.; Pit, (first) 3., second pit, 2s. The doors to be open at 6 o'clock, and the curtain drawn up precisely at 7.

(5.)

Tuesday, 10 March. New Grand Theatre. Beaux Stratagem, and the Deuce is in him. "It is particularly requested the ladies will dress their heads as low as possible, otherwise the persons sitting behind cannot have a view of the stage." The ladies and gentlemen are desired to give directions to their servants, when they come to take them from the theatre, to have their horses' heads towards the parade.

Levée advertised at Government House for 17 March, St. Patrick's day.

(6.)

## TRADE OF SHELburnE.

<i>Exports</i>		<i>Difference in favor of</i>	
1787.	1788.	1787.	1788.
23,900 feet ranging timber.	37,808		7,908
447,805 feet boards.	764,848		317,043
584,000 shingles.	890,000		306,000
20,476 staves and heading.	15,298	5,178	
10,926 qtls. dry codfish.	13,141		2,216
3,977 casks pickled fish.	4,192		215
87 casks smoked salmon.	61	26	
131 bbls. fish oil.	149		18
313 gls. sperm & whale oil,	14,798		14,475
000 whalebone.	4,000		4,000

(7.)

1789. "A great variety of flower roots and seeds, warranted good, to be sold by Robert Walker, nearly opposite to Mr. Hosterman's." (Walker came a boy here with the first settlers. He was a shoemaker by trade, and by taste a gardener, also a kind of crabbed philosopher; a sectarian of some kind, reported to be a seventh-day Baptist—a singular man, who used, many years after, to amuse our people by his reminiscences of their parents, taking care to pull down their

conceit by stating the trade or occupation they followed. His highest praise of an ancestor was, "he was a decent man" or an honest man. (His garden and cottage were in Grafton street.)

( 8. )

1789. "Died on Wednesday, the 22d last month," (April), "at Annapolis Royal, Thomas Williams, esqr., one of the eldest justices of the peace, and a justice of the Inferior court of Common Pleas in that county,—also storekeeper of the ordnance and commissary of provisions for the garrison of Annapolis,—having served his majesty in the department of the ordnance during 45 years with great reputation, and in his civil employments to the entire satisfaction of government. His conduct in private life gained him universal friendship, and his loss is greatly regretted." (Probably an ancestor of Sir W. F. W.)

( 9. )

A notice, dated 16 June, 1789, states that "in conformity with an act of parliament formerly passed, his excellency the lieutenant governor has been pleased to nominate the hon. Henry Newton, the hon. Thomas Coehran, James Brenton, John Newton, and Richard John Uniake, esqrs., as trustees of a grammar school forthwith to be erected in this town. These gentlemen have chosen Mr. William Coehran, formerly of Trinity College, Dublin, and lately Professor of the Greek and Latin languages in the College at New York, to be master; Mr. George Glennie, who was regularly educated in the University of Aberdeen, to be usher; and Mr. Thomas Brown, already well known in this place as an eminent writing master, to be teacher of writing, arithmetic and mathematics." (A grandson of Brown figured in the Canadian outbreak of 1837.)

"It is thought proper to give this early notification to the public, that, until a suitable building can be provided, the school will be opened, without delay, in the room where the assembly of this province met, (the school was kept there till now) where youth will be instructed with the utmost assiduity and care in the English, French, Latin and Greek languages, grammatically, and from the first rudiments; in writing, arithmetic, algebra and geometry, with all the practical branches of the mathematics, in geography and the use of the Globes, with the art of constructing maps, and if required, in astronomy and natural philosophy."

"Particular care will be taken to train up the pupils in a just pronunciation and graceful elocution," &c. "Two public examinations every year. A dancing master and music master will attend those whose parents desire it."

( 10. )

Pleasant street is called 'The Mall' in advertisement.

( 11. )

Oct'r. 5. The rev'd. Mr. Twining was married to miss Weeks, daughter of the rev'd. Mr. Weeks.

Nov'r. 16. Master Halliburton, son of doct'r John Halliburton, arrived from England. This youth was afterwards chief justice of Nova Scotia, Sir Brenton Halliburton.



( 12. )

Died, on Wednesday, 3 Dec'r., 1789, at Annapolis Royal, in the 64th year of his age, after a lingering illness of 15 years, Joseph Winniett, esquire, the oldest justice of peace for the county of Annapolis, and first justice of the Common Pleas for that county, judge of probate, deputy register of deeds, &c. &c., leaving a numerous progeny.

( 13. )

“ The subscriber, hair dresser to ladies and gentlemen, begs leave to acquaint his friends and the public, that he now lives at the North-east corner of the Grand Parade, and informs them that he follows his profession with punctuality, (as usual), and flatters himself that notwithstanding he is a *Novascotian*, his performance will be at least equal that of many *German, London, Dublin or Cork Court friseurs!* And altho' he is possessed of the greatest share of customers, that his diligence and activity in business entitles him to more encouragement from the old standing inhabitants than he now receives. He begs leave to acquaint the public that it is not his intention to gain their custom and approbation otherwise than by his industry, although many have succeeded by *flattery and misrepresentation.*

GEORGE CLARKE.

Halifax, Dec'r. 1, 1789.

This brought out pieces from Mr. K——r, Osborne and Holmes, brother friseurs.

( 14. )

A mail for Truro, Pictou, and the island of St. John, was advertised

## CHAPTER VII.

1790. The 18th January was, as usual, kept as a holiday, in honor of queen Charlotte. Salutes, parades and vollies, and a levée at government house, were employed to celebrate the day. The provincial assembly met thursday, 25 Feb'y., (6th general assembly, 5th session.) Henry Newton, president of council. [Mr. Robert McElhinney, member for Londonderry, took his seat. 26th, James Delancey, member for Annapolis. March 1. Gideon White member for Barrington.] Lieutenant governor Parr, in his opening speech, stated the restoration of the king's health—complimented them on the attention they had bestowed on agriculture and commerce—urged on them to consider the means of “discharging the accumulated and increasing debt for which the province is engaged,” and the revival, amendment and continuation of the temporary laws that were about to expire. The replies of both houses were in accordance. March 2. Major Barclay introduced a bill to limit the duration of the general assembly to seven years, in conformity with the English law. On motion of Mr. Day, it was resolved that, on a division, if any members requested it, the names of the members dividing should be inserted in the journals. A specimen of iron from the works lately established in Wilmot was presented by major Barclay. It was stated by major Milledge that the present works could manufacture about 30 tons per annum, and were expected soon to double that quantity. Bog ore was plentiful there, and they had a never failing stream of water, and had also wood in abundance.

The house then resolved itself into a committee, to take into consideration the state of the poor-house. Mr. Pyke took the chair. The speaker (Mr. solicitor-general Uniacke) then rose, and made some apology to the house for taking the lead in a matter of this kind ; but said his office of a commissioner had led him to make enquiries into every matter relative to the revenue of the province. It appeared by a paper which he held in his hand (which was a statement of the expence of the house, made out by the keeper) that the expenditure for the last year amounted to upwards of £1,600—that the whole revenue of the province for the year 1789 amounted to only about £6,649 some odd shillings—that the committee would see that the enormous expence attending this house swallowed up a fourth part of the revenue of the province. He then adverted to the number of rations stated in the paper he held in his hand to have been issued last year, by which he declared it appeared that it had cost the province upwards of twenty-eight pounds per head. He said a child could be boarded and educated at Windsor for £20 per annum, and the province must pay eight or nine pounds more to maintain a vagabond. He dwelt much on the enormity of the expence, and the inability of the province to support it ; said it was a matter that had long engaged his serious attention, and said, that what he would propose to the house was, to separate the town and province poor, as is done by the overseers in other towns ; and let two or three commissioners be appointed, who should have power to send away all transient poor, that may get footing among us, to the respective places where they may belong. That the persons who were at present of that description in the poor-house might be boarded out, or distributed in the different counties of the province, and the house shut up altogether. He also proposed an act to be passed, to compel masters of vessels, frequenting this port, to give bond to carry away again all persons of this description they brought among us, or to be liable to a penalty if they did not. By this plan the province would be freed of the expence, and he would venture to assert that the country would soon be cleared of vagabonds altogether ; for so long as it was known that there

was an asylum open for them in this province, they would be flocking to us from all parts of the States, and from the neighboring provinces. He said he had information that persons had been hired to bring from the States five or six at a time ; that they had flocked into us from New Brunswick — from Sydney, and that governor Fanning had even sent some here from the island of St. John's, with an order for them to be received into our poor-house. The solicitor general made many other similar remarks, and concluded with telling the committee that he thought some such mode as he had proposed ought to be adopted.

Major Barclay was fully of opinion that some steps should be taken to relieve the province from so enormous an expence as had been stated by the solicitor general to be incurred for the support of the transient poor. He said that he had the last session made a proposal to give a certain sum for this purpose, but it was not adopted. He now declared, that it was his opinion that nothing should in future be done for the support of transient poor. He said that this measure would no doubt throw an additional burthen on the town of Halifax. That it was not, however, his wish to oppress them ; for it was fully his opinion that the town of Halifax possessed advantages so superior to every other part of the province as was sufficient to counterbalance the inconveniences, this measure, if adopted, would expose them to. Here was the capital of the province. — here resided his excellency the governor and the honorable his majesty's council. Here was stationed the admiral, with the squadron under his command. Here also were quartered the principal part of the inhabitants ; and the money arising from all these sources is spent in the town of Halifax. He made some further remarks, and Mr. Hill followed, opposing any measure that would exclude suffering people from relief at the poor house. He said it had been hinted that if the overseers were more vigilant, these people might be prevented from getting footing in the province. This was a mistake, for, in the manner in which these persons are introduced into the community, if all the town were overseers they could not prevent it. Some place ought, therefore, to be provided for

them. It had been said, that they might be dispersed in the different counties of the province. This measure, he said would not answer. Many of the persons now in the poor-house, in a few weeks, would be able to go and earn their living; but others, labouring under similar misfortunes, were continually applying for relief. Are they to be sent up the country? How is this to be done? It is impracticable. Mr. Hill also stated, that accidents, such as having their limbs broken, frequently happened to poor people who were employed in different harbours along our coast, where no provision was made for their recovery. It would be hard to deprive such unfortunate people of an asylum, or to throw the expence on the town of Halifax, which was already overburdened with poor taxes.

Mr. Wilkins, Mr. Marchinton, and major McNeil, followed, the speaker closing the debate. Another reason why no additional burthen should be laid upon the town of Halifax was that they had been assessed for the last half year to the amount of £500—that he attended at the time the assessment was laid, and had offered, if he might be relieved from his poor-tax, to take one of the poor for his own share, and take care of him. He stated, that in the year 1784 he had acted as an overseer, jointly with messrs. Cochran, Newton and Pyke; that the expence of the house in the year 1783 had been upwards of £1200; that they reduced the province part of this charge to between 4 and £500, and laid out besides £200 in repairs on the house; that they also reduced the town-charge to between 1 and £200. It was true, he said, he believed they had been rather too economical in their arrangements, for the keeper they employed, so far from making money by it, was so reduced, that the succeeding overseers were obliged to receive him as a pauper into the poor house.

A petition was read from Pictou, to be relieved from attending quarter sessions, &c., at Onslow. They were stated to have above four hundred families in the settlement of Pictou. (It is called *Poictou* in the magazine for 1790—a mistake in spelling, I think.) £300 had been subscribed at Annapolis



for a bridge over Allen's creek, (*la petite rivière*, called first the *l'Equille*.) The expence was estimated at £500, and the aid of the house prayed for. A bill to remove the poll to a second place in each county was discussed.

The speaker then said, that as there appeared to be nothing before the house, he would, with their permission, read the rough draft of the letter which, at their request, he had written to the agent of the province. A fair copy was nearly completed, and should, when finished, be laid upon their table, for the inspection of the members. The house manifesting a wish that the speaker should proceed, he read the letter accordingly. The letter pointed out the rapid progress which the province was making in agriculture, commerce and the fisheries ; and, in order still further to promote these useful purposes, from which the future prosperity of the country must flow, and which alone can render it a valuable appendage to the parent state. It stated, with great propriety, the many ways in which these desirable purposes might be accomplished. The flourishing state of our whale fishery was pointed out ; and also how much more flourishing, in all probability, it would have been, had not a check been given to the further emigration of the valuable inhabitants of Nantucket, by the orders which his excellency the governor had received, and that unfortunately at a time when many families were purposing to remove here. The letter requests that the agent will exert himself to have the door again opened for the emigration of these people. The agent is also requested to make application that a free port may be established in the province, for the reception of American and other produce ; that, by this means, our vessels would be furnished with cargoes for the West Indies, nearly as cheap as from the States ; the trade of the province would be greatly increased, and the mother country ultimately benefitted by the sale of large quantities of British goods, which the trade would take off ; and the money thence arising would at last centre in Great Britain. The agent was also instructed to make application for custom-houses to be established in several of the outports of the province, that masters of vessels might not be put to the inconvenience of coming so great a

a distance, as they now are, to enter their vessels. The agent was also requested to apply to government to obtain permission, for our vessels that go to the Mediterranean for salt, to bring also from thence wines, fruit, &c., by which means the salt would come much cheaper, and our fisheries be thereby materially benefited. There were many other objects pointed out, such as an application for further assistance in building churches—in procuring a charter for the college at Windsor, and for assistance to forward that necessary establishment—to procure a bounty similar to that which had been formerly granted on timber imported from the colonies.

It was stated, 4 March, that the name of the settlement at Pictou was Walmsley, to which it was proposed to remove the poll for the county of Halifax. 6 March. There was much discussion about the maintenance of the poor, and the revenue from licenses to sell liquor. It appeared that most of the roads within ten or fifteen miles of the town had been either made or improved out of this fund. It was stated, that while there were but eight persons in the poor-house belonging to the town, yet £500 had been assessed on it for poor rates. The following resolutions, drawn by the speaker, were then passed :

*Resolved*, That it be recommended to the house to present  
'an humble address to his excellency the lieutenant governor,  
'to request that he will be pleased to grant a charter to the  
'town of Halifax, for incorporating the same, and enabling the  
'inhabitants thereof to make such bye-laws as shall be suffi-  
'cient to regulate the police of said town.

*Resolved*, That it be recommended to the house to pass a  
'bill, to enable the governor to appoint commissioners to take  
'care of such transient poor as are entitled to a maintenance  
'from the province, and to superintend the management of  
'such persons.

*Resolved*, That it be recommended to the house to pass a  
'bill, obliging all masters or owners of vessels, coming into  
'any port or place within this province, from any foreign port,  
'or from any of the British colonies in America, to give good  
'security not to leave any person in the province who shall

‘ become chargeable on the same for support and maintenance, ‘ and to oblige all inkeepers to make such returns of their ‘ lodgers as are specified in the report of the private committee ‘ on the subject.’

On wednesday, 10 March, major Barclay exhibited thirteen articles of impeachment against the two judges, Deschamps and Brenton, which were read. He referred to the former proceedings of the house on the subject of the discontents of the province of Nova Scotia, relative to the administration of justice, and the manner in which the judges of the supreme court had been acquitted by the council. He observed, that those discontents, instead of being allayed by the past proceedings, were greatly increased, and that an immediate and specific remedy ought to be supplied. He observed that it was as necessary for the judges themselves, as for the province at large, that a fair and impartial trial should take place ; and that he then preferred to the house certain charges against the judges of the supreme court, for their inspection and consideration, to be by them adopted as articles of impeachment, if well grounded ; and that he begged leave to move, that in case those charges were accepted by the house, an humble petition should be presented to his majesty, accompanied with a copy of the impeachment, praying his majesty to institute a court for the trial of those judges.

The speaker referred to the modes of proceeding fit to be adopted, and concluded by recommending to the house to proceed temperately and deliberately, and to avoid all unnecessary warmth.

Mr. Hill argued against the present enquiry—said it would conduce to no other purpose than to create strife and animosity in the country. The former investigation had been approved of by the government in England. and most of the present charges had already been decided upon. He respected Mr. Sterns, and wished him restored to practice, but this proceeding would revive the rancour which had begun to subside, and throw the country again into confusion.

Mr. Marchinton urged inquiry, as due to public justice and to the judges themselves. He said “ this matter had not ”

“been like a candle set under a bushel, but as a light set on ”  
“a hill, which light had shone thro’ the adjoining provinces ”  
“and through the kingdom, and had been the topic of con- ”  
“versation a hundred times over in all companies. He ”  
“wished our courts might shine with lustre, and do honor to ”  
“the province, but for a long time past there has been a ”  
“dark cloud hanging over the law and the practice of it.”

Major Crane also took the same side. He said, if he discharged any public office, in the exercise of which there were charges exhibited against him for bad conduct, he should certainly wish for, and insist on a fair investigation; that truth feared no examination; that the province at large was in a most disagreeable situation, a part of it have manifested their disapprobation of the conduct of the judges, whilst others were vindicating of them,—and one ground of complaint is, that parties are tried, and not causes, and that the judges do not fail to favour their friends. One part of the legislature was dissatisfied with the other; that many who wished to live in peace, could not, until this general cause of uneasiness was removed.

Mr. Wilkins followed. Spoke of it as a painful duty—noticed the principles of constitutional law which obliged the house to proceed. Parties who had causes depending were solicitous to postpone the decision of them, through want of confidence in the bench. The enquiry made before, he treated as an insult to the house and to the community. The judges had acquiesced in that enquiry, and by acquiescing in it had rendered themselves more culpable in his eyes than even the charges brought against them had done. A judge should not only be free from guilt, but he should also be free from suspicion. If he shrunk from enquiry—if he did not demand a vindication of his conduct, or could rest satisfied with an equivocal reputation, it was such a want of virtue as almost amounted to a proof of his guilt. As for his own part, he said if he had been in their situation he would have shut himself up in his house, and would have avoided the sight and intercourse of his fellow citizens; he would have sculked into any hole or corner, rather than not have demanded such a public



and full investigation of his conduct as would have clearly vindicated his innocence and wiped off every stain from his reputation.

Mr. Belcher spoke also in favor of the enquiry.

Mr. Hill argued again that the charges should not be received. "What did they contain? Not the charges of individuals in the country who had been injured by the decisions" "of the judges, but they were the charges of lawyers who" "had lost their causes, and felt themselves hurt on the occasion." Besides, he said, the judges had already had a trial, and he believed a fair trial.

Major Barclay next spoke, in support of an enquiry. Said it was an insult on the understanding of each member of the house, to assert that the trial of the judges before the council was in any measure agreeable to reason, justice, or the mode usually practiced in any court of judicature. He asked whether the doors of the council were open on that occasion; whether any evidence were admitted or sworn; or whether even the parties accused were called up personally to answer? Neither of these usual requisites had been attended to; but, on the contrary, when evidences offered themselves to come forward in proof of the charges, they were rejected, and their allegations, as taken down in the house of assembly, declared to be groundless and scandalous. With regard to the proceedings of the council transmitted by the governor, to be laid before his majesty, for his consideration, it was ridiculous to assert that the house ought to wait till his majesty's opinion was known upon the subject. More than a year had already transpired since these proceedings had been transmitted, and he conceived it improbable that his majesty would ever manifest either his assent to, or disapprobation of those proceedings, but would leave the subject open for the investigation and prosecution of the province at large, and therefore it became a duty incumbent on the house, should they adopt the articles then lying on the table, to present a petition to his majesty, as he had mentioned.

Major Millidge pursued a similar line of argument, and after some further remarks from major Crane, Mr. McMonagle and



Mr. Dight, the question was put, whether the house would receive the articles of impeachment presented by Mr. Barclay, and let them lie on the table for further consideration, when the house divided as follows : For the motion, major Barclay, major Millidge, major Crane, major McNeil, colonel Laurence, colonel Delancey, captain White, messrs. Sherlock, Schwartz, Wilkins, Marchinton, Woollenhaupt, McElhinny, McMonagle, Belcher, Day, Archibald. Against the motion, messrs. Hill, Morris, Dight, Jessen, Dewolfe, Bulkeley, Dennison, Northup, Fillis, Pyke. It was then agreed to put off the further consideration of this business till monday, and that in the meantime the speaker be requested to write a letter to the judges, acquainting them with the charges which had been exhibited against them ; and also apprizing them, that it was the intention of the house to go into an examination of witnesses in support of the charges exhibited, that those gentlemen might have an opportunity, if they chose, of being present at said examination, either personally or by their attornies.—Saturday, 13 March. Speaker ordered to issue precept for witnesses to support the impeachment. Monday, 15. Counsel allowed to appear before the house in behalf of the accused judges. The house proceeded on the first charge, and Jonathan Sterns, esq., gave his testimony to support it. 16th. More witnesses examined. 18th. Witnesses sworn and examined on second charge. 19th. Witnesses and documents on 3, 4 and 5 charges ; and on the 20, 27 and 29th March, the witnesses on 6, 7, and 8 and 13 articles.

On the 20th, Mr. Pyke moved a resolution to strike out of this enquiry the charges on which the council had formerly acquitted the judges, and a long and earnest debate ensued. In the course of this discussion, major Barclay stated, the house in its former address had relied on information furnished by members in their places, and only appended other evidence. Had such an enquiry taken place, as that house had a right to expect—as the public had a right to expect—as even the judges themselves had a right to expect ? Did not his majesty's council, when they went into the mock enquiry which had taken place, shut themselves up in the council chamber ?

Was any person admitted to give evidence on the occasion, or were even the judges themselves admitted? Did not even the two gentlemen who had given information to the house, when they discovered his majesty's council were entering into an enquiry into the conduct of the judges, address his excellency by memorial upon the occasion, and proffer themselves to come forward and substantiate the information they had given before that house? Did they not inform his excellency, that the judges were accused not barely on their information, but on the testimony of members belonging to that house? Did they not declare that only part of the information which they had given the house was reduced to writing, and that in so loose and incorrect a manner, that it appeared to them rather as matter for the information of the house, than for any other purpose whatever? And did they not also pray that they might be admitted to come forward as evidences upon the occasion, and to substantiate under oath to his majesty's council, those facts which they had but summarily stated to the house? He stated, notwithstanding the council refused to hear the evidence thus proffered to them, did they not take upon themselves, upon the mere plea of the judges, Not guilty, to pronounce them innocent? In order to impress the house with his sense of the absurdity of the proceeding, he asked, Had his majesty's council, upon a bare perusal of the information presented to them on the part of the house, and the answers of the judges in their defence, found the judges guilty, would they have rested satisfied with so singular a trial? Would they not rather have come forward and loudly complained of the injury done them by a mode of trial wanting every legal form established by the constitution? If, therefore, his majesty's justices of the supreme court would not in such a case have been satisfied, surely the public, upon the present occasion, had an equal right to complain. Bowing to the speaker and the house, he requested them to lay their hands on their hearts, and ask, whether they were satisfied with the proceedings of the council on that occasion. He said he was sure they could not, and therefore he would take the liberty to answer for them, that they were not. At so

early a period as that, when the members in general only conceived a legal enquiry necessary, the smallest investigation, had it been a fair one, would have been deemed sufficient. It ever was his, and he believed it the opinion of the house, that his majesty's council, in this remote part of the British empire, was the only proper tribunal before whom persons so high in office could possibly have been tried. As a court, he declared he conceived them fully competent; and he had expected that their proceedings on so important an occasion would have done honour to themselves, while they distributed equal justice to the complainants and the parties defending. He also argued that if even his majesty's approbation of the proceedings of the council should arrive, it was a maxim in law that a pardon under the great seal could not be pleaded in bar of an impeachment.

Major Barclay displayed on this occasion very remarkable skill in constitutional law, great eloquence and polished classical diction. I regret that we have so few specimens of parliamentary debates in our earlier history. One or two of the debates of 1789 and 1790 alone have been preserved, and I have felt bound to give but portions of these, as they would take up too much space. It was not until far into the present century that the practice of reporting was adopted.

Mr Pyke's motion was defeated.

On division: For the motion, messrs. Dight, Bulkeley, Hill, Northup, Dewolf, Pike, McMonagle, Dennison—8. Against the motion, messrs. Marchinton, Fillis, McElhinney, Milledge, Day, Morris, Lawrence, Wilkins, McNeil, Dickson, Delancey, Crane, Poole, Belcher, Collins, White, Archibald, Schwartz, Perkins, Wollenhaupt, Barclay—21.

Monday, 27 March. On a motion that the judges should be allowed to answer the charges, it was argued that they had not petitioned or asked for it, there being no design to shut them out from reply; and after tedious debate, it was carried by 18 to 12 to adjourn.

On the 27 March, the council sent back a revenue bill to the house, with a message, proposing several amendments, after

which the house adhered to its bill, which was twice sent down. The council eventually, by message, claimed expressly the right to amend money bills, stating 'that H. M. instructions gave the council authority to frame money bills as well' 'as the assembly, and that the house could not legally refuse' 'the alterations and amendments of the council.' Heats and altercations between the houses arose, and they both addressed the lieutenant governor. On 1 April he made the following speech to both houses :

*Gentlemen of the Council, and*

*Gentlemen of the House of Assembly.*

That an end may be put to the disagreement between the two houses relative to the passing of the revenue bill, and that the mode of transacting the public business may be facilitated, I have called you together to state for your consideration the urgent necessity there is that the proceedings of both houses should be conducted with mutual harmony and condescension. And that each house may preserve its peculiar privileges, I would recommend that the mode of doing business should be simplified as much as possible, and that the standing revenue laws which have been continued for several years already, should be again revived and continued by a bill to be framed for that purpose in the house of assembly, and separate bills be framed there also for continuing the American trade act, and for imposing any new taxes; and that to such bills the council should agree or disagree generally.

By this method the revenue bills will originate in the house, and the right of the council to agree or disagree to each bill be also preserved.

As I rely on the disposition of you all to prefer the public service to any contention about your power or privilege, I recommend an accommodation of the difference on these principles, in full confidence it will prove acceptable.

On saturday, 3 April, William Cottnam Tonge, deputy naval officer, son of colonel Tonge, was heard in defence of his father's interests in fees as naval officer, by the house. (W.



Cottnam Tonge was afterwards celebrated as a public man for his eloquence and popularity.) 5 April. The house decided on the charges against judges Deschamps and Brenton, and adopted most of them, and appointed a committee to draw up articles of impeachment. Tuesday, 6 April. Barclay reported a draft of articles. 7th. Of further articles. They passed by majorities of 17 and 18 to 11 and 12, and a resolution to request the governor to suspend the impeached judges. The governor referred the question of suspension to the council, where messrs. Blowers, Duncan, Halliburton, Brymer, and H. Newton, voted against suspension, and Mr. Thomas Cochran for it; so the lieutenant governor declined to comply with the resolution of the house. 21 April. Elisha Lawrence and Isaac Wilkins were appointed to act with Mr. Cumberland, agent of the province, on different matters, viz.: Impeachment of the judges, naval officers' fees, &c., and in seeking aid in England for the college at Windsor. April 28. The lieutenant governor assented to all the bills passed, except the Septennial act, giving, as his reason, that it was contrary to his instructions, and he then prorogued the assembly.

Grants passed, 10 May. 200 acres at Digby, to John Hill; 2000 acres to Isaac Wilkins; 2600 acres to major Philip Van Cortland, for himself and family—14 persons; 4500 acres to Thomas Cochran, in Cumberland, in lieu of the like quantity relinquished by him at the Ragged islands, in the county of Shelburne, for the accommodation of loyalists. 28 May. The lieutenant governor communicated to the council that he had received instructions from his majesty not to grant any more lands in this province until further orders.

At a council holden at Halifax the 22d July, 1790. Present: his excellency the lieutenant governor. J. Parr; the hon. Richard Bulkeley, Henry Newton, Alexander Brymer, Isaac Deschamps, John Halliburton, Thos. Cochran, Chas. Morris, councillors. Read the petition of Jonathan Sterns, barrister-at-law, apologizing for irregular conduct, and praying to be admitted to the practice of his profession in those courts where the lieutenant governor presides or sits as judge. The same was



taken into consideration. Adjourned.—In council, 8 Nov'r., 1790. Present : lieutenant governor Parr ; messrs. Chief Justice, Bulkeley, Newton, Brymer, Cochran, Morris and Blowers, councillors. Renewed the proclamation for imports from United States of lumber, cattle, flour, &c. &c.

## CHAPTER VIII.

1791. The assembly met 6 June, 1791, (6th general assembly, 6th session.) John Parr, esq'r., lieutenant governor ; Thomas Andrew Strange, esq'r., chief justice and president of council ; Richard John Uniacke, esq'r., speaker ; James Gautier, secretary of council, and James Boutineau Francklin, clerk of assembly. Mr. Parr opened the session with a speech, in which he spoke of the blessings of peace—referred to agriculture and fisheries, and called the attention of the legislature to the necessity of meeting demands of the public creditors. Messrs. Wilkins, Wallace and Fillis were the committee to prepare a reply. It seems that his majesty had directed that the articles of impeachment against the judges, Deschamps and Brenton, should be heard and determined before the king in council. On the part of the impeached justices, leave had been obtained that they might take evidence in the province for their defence, and the house resolved that messrs. Barclay, Sterns, and Foster Hutchinson, junior, should have leave to attend and to cross-examine the witnesses produced for the defence. By an official statement, dated 16 June, signed by committees of each house, there appeared to be £17,784 2s. 7½d. of funded debt due by the province. 17 June. The house voted £200 to pay counsel and other charges in England on the impeachment, but the council, on 23 June, negatived this vote, on two grounds—first, that they had as yet no information of which they could take notice of any expence having been actually incurred or being likely to be incurred ; secondly, because they had not concurred in appointing Mr. Cumberland

and Mr. Elisha Lawrence to carry on this prosecution.— 20 June. £100 was granted in aid of the bridge and causeway over Allen's creek, (l'Equille), but as the province had no money, this sum was to be funded and bear interest. Tuesday, 5 July, the assembly was prorogued.

On the 17 November, lieutenant governor Parr met with the council, when he asked their advice in the removal of people of color from this province to Sierra Leone. Mr. Dundas, secretary of state for the home department, had directed Mr. Parr to hire shipping for the purpose. On Friday, the 25 November, about 1, A. M., lieutenant governor Parr died, after a short illness, in the 66th year of his age. The council, consisting of Bulkeley, Newton, Brymer, Thomas Cochran, Morris, Halliburton and Blowers, assembled the same day. Mr. Bulkeley, being senior councillor, assumed the administration of the government, taking the state oaths and oaths of office, and notice was directed to be immediately sent to Mr. Fanning, then lieutenant governor of the island of St. John, and Mr. McCormick, lieutenant governor of Cape Breton. It is stated that on such an event the senior lieutenant governor was to succeed to the government of this province, until H. M. pleasure was known. On Tuesday, the 29 Novr., the interment took place. Mr. Parr had been grand master of the Freemasons, and their several lodges walked in the procession, with their badges. The 20th regiment, in which he had served and commanded, also attended. The members of council and assembly—officers, civil and military, were in the procession. The garrison were under arms. The fleet, under Sir Richard Hughes, and the citadel, fired minute guns. The Royal artillery, and 16th and 21st regiments, lined the streets from government house to St. Paul's church. "At the" "entrance within the church, the body was received by the" "right rev. bishop of Nova Scotia, (Dr. Charles Inglis), who" "performed the funeral service, after which it was placed in" "the middle aisle leading to the altar." During the interment, the 20th regt. fired three vollies. The official announcement in the Gazette says: "During his administration, which" "was upwards of nine years, the welfare and happiness of"

“ H. M. subjects in this province was his invariable study and ”  
“pursuit.” From all I can gather of authentic evidence, he seems to have been a candid man of business, disposed to act honestly, and to listen to good advice. He had, it is said, been a lieutenant at the battle of Minden, and had risen gradually in his profession to the command of a regiment. His habits are said to have been frugal and parcimonious. He has left us no indications of extraordinary ability, but seems to have been the very man to suit the time in which he acted, being plain, simple and diligent.

1792. At this period the province was quietly prospering, and increasing in population. The influx of the loyalists, many of whom were men of family and education, was, in the main, advantageous, altho' the influence they wielded, owing to their great favor in the eyes of the king, George the Third, gave them a growing ascendancy, calculated to throw in the back ground the merits and services of those families who had originally founded the British colony here, and who had largely contributed to the defence of the land in the French wars. The peace, which had now lasted 9 years, during which all parties had been enabled to pursue their useful avocations without disturbance or even apprehension, had done much to forward the growth of villages and settlements. Education had received an impulse from the establishment of a seminary at Windsor and a grammar school in Halifax. The society to encourage agriculture had been active, and printed at least one volume of its transactions. In our legislative body, much talent had been displayed. The flowing sentences and racy humor of Uniacke —the elegance, astuteness and vigor of Barclay—the earnest and skilled arguments of Isaac Wilkins and colonel Millidge, and the ready powers of debate evinced by Charles Hill, Pyke, Crane, Freke Bulkeley and others, gave to the house of representatives a weight and charm in 1789-1790, that has been only twice or thrice repeated in the succeeding years ; and the zeal and energy of Cottnam Tonge, in the pious effort to support the interests of his persecuted father, was a precursor signal of Novascotian oratory. Of the distinguished men of

the assembly, Crane, F. Bulkeley and Pyke were native Nova-scotians—certainly the two last were. Crane I can remember as he appeared in the house 20 years later—a tall, handsome man, with fluent speech, and an amazing readiness of natural wit and illustrative power. In short, I think that this was one of the happy and Halcyon periods of Nova Scotia. The heterogeneous elements of which its population were composed were now settling down into good neighborhood and harmony. Old grievances and hostilities had died out, and the only fancy line of division was owing to fretfulness of lawyers who were unsuccessful in some of their litigated suits.

While everything was as still in Acadia as one of her own myriad lakes in the forest, the reader will bear in mind that at Paris, in 1789, began the eruptions of the great moral, social and political volcano, called the French revolution, the greatest event of the 18th century, and which, in the wars and convulsions that flowed from it, affected extensively all portions of the human family.

On sunday, the 15 January, 15 vessels sailed from Halifax for Sierra Leone, carrying colored people thither. The number of passengers was stated as 1200. The hire and demurrage of these vessels amounted to £3965 8s. od. sterling, paid by the British government. Lieut. Clarkson and Lawrence Harts-horne acted as agents for the Sierra Leone company. Mr. Michael Wallace attended to the business on the part of government. The English government paid £13,952 for expence of transporting the black people.

Wednesday, 18 January. President Bulkeley held a levée on the queen's anniversary. (His house was at the S. E. corner of Argyle and Prince streets, built of stone and cement. It now belongs to miss Cogswell, who has spent a large sum in improving it. The house at the corner West of it is of stone, built about 1800 or 1806, by Dr. W. J. Almon. There is a small wooden house still existing, though somewhat altered, at N. W. corner of the same junction of Argyle and Prince streets, which was called the Newton house, in which some of that family lived. Their chief mansion was in the South end.



17 April. One man was sentenced to death in the supreme court for robbery.

May 1. Vice admiral Hughes sailed for England, with his squadron.

Saturday, 12 May. John Wentworth, esq., lieutenant governor of Nova Scotia, arrived at Halifax in H. M. frigate Hussar, Rupert George, esq., commander, in five weeks voyage from Falmouth. On sunday, 13th, at 1, P. M., he disembarked under a salute of 15 guns. On landing, he was received by a detachment of the 21st regiment, and by salutes from field pieces on the parade by the Royal artillery. He was escorted by the acting secretary of the province, J. M. Freke Bulkeley, members of council and assembly, justices of peace, and other inhabitants, and army officers, to the government house, where Mr. Bulkeley, the president, received and congratulated him. On monday, at 1, P. M., he was sworn into office, when he was saluted with 15 guns by a party of Royal artillery drawn up on the grand parade. Mr. Wentworth had been governor of New Hampshire, his native province, before the revolution in America. He had also long been Royal commissioner of Woods and Forests in America. He received addresses of congratulation from the magistrates, and more than 200 others in Halifax—from the bishop and his clergy—from the society for promoting agriculture, and one from 86 persons, ministers, wardens, trustees and congregation of St. Peter's church, (probably the R. Catholic.) He was also subsequently addressed from Hants, Kings and Truro, Pictou, Merigomish, Onslow, Londonderry, Sheet harbor, Shelburne, Annapolis.

On thursday, 24 May, vessels returned from Sierra Leone. They reported that the fleet arrived there in 40 days, and that of 1200 passengers, only 70 had died after leaving Halifax until 20 March. Three of the masters of vessels had died.

On wednesday, the 6 June, the assembly met, (6th general assembly—7th session.) Wentworth, lieut. governor; Strange, chief justice, president of council: Uniacke, speaker; Gautier, secretary of council; and J. B. Francklin, clerk of assembly. His excellency's opening speech refers to the necessity of improving agriculture, commerce, fisheries and revenues,- the

tried loyalty of the population, and liberal protection of the crown. June 18. George Henry Monk took his seat for the county of Hants. The debt of the province appeared to be £22,971 8s. 1¼d. On the 11 July the house was prorogued. The only matter of consequence of this session was the passing of the Septennial act, that first limited the duration of the provincial assembly to seven years, (act 1792, 32 G. 3, c. 10), which was confirmed by the king.

In July, casks of dollars, to the value of £10,000 sterling, were sent here by H. M. S. Circe, to pay the troops in Nova Scotia.

Mr. Tonge having died in February, his son, Wm. Cottnam Tonge, was appointed naval officer of Nova Scotia, by H. M. mandamus.—Fires raged this summer. Fifty farm-houses were destroyed by them in Shelburne county, chiefly on the Jordan river. The house granted £300, 7 July, in aid. The whaling business was actively carried on at this time, and many vessels arrived with large cargoes of oil and whalebone. On sunday, 12 August, the birth-day of the Prince of Wales, (afterwards Geo. 4), lieutenant governor Wentworth gave an elegant dinner to gentlemen of army, navy and town. Royal salutes were fired during the banquet, and in the evening government house was illuminated. On friday, 17 August, at midnight, a fire destroyed six tenements in Granville street, and the ordnance laboratory. An aged couple, John Wellner and his wife, lost their lives.—Mr. John Butler Dight obtained royal license that he and his issue should take the name and arms of Butler, as directed by his uncle's will.

“The committee of H. M. privy council, before whom the”  
 “charges exhibited by the house of assembly against the”  
 “assistant judges of the supreme court have been heard,”  
 “have reported to his majesty, that after a mature consider-”  
 “ation of the subject, they cannot find any cause of censure”  
 “against those gentlemen, and consequently have fully ac-”  
 “quitted them,” which report his majesty has been pleased to confirm. [*Halifax, N. S. Gazette, tuesday, Sept'r, 11.*] The Nantucket people who carried on whale fishery at Halifax for several years, now changed their designs and went off to

Milford haven, in England. Governor Wentworth gave them certificates of their having properties in Dartmouth, which he values at £4000 or £5000, belonging to five persons—Starbucks, (3,) David Grieve and Zachary Bunker, with the apparent view that the English government should give them that sum. He also recommends two of their number, Starbuck and Folger, for pensions of £150 to each, for their lives and their wife's lives. Friday, 21 Sept'r., lieut. governor Wentworth sailed in the armed schooner Diligent, for Pictou, having gone on board under a salute of 13 guns. He arrived at Pictou on the evening of wednesday, the 3 October, and landed on the 4th. He received an address, signed by thirty persons. They stated that 500 men there had agreed to work on the road to Halifax. He returned by land by the way of Musquodoboit, and it was stated that the road from Pictou to Musquodoboit was now open for horses and cattle. A fine Spanish vessel, *la Feliz*, bound from Havana to Cuba, with sugar and tobacco, was wrecked on isle Sable.

Lieutenant governor Wentworth suggests, 13 Dec'r., 1792, to lease the coal mines at Sydney for seven years, at a duty of 3s. 6d. per chaldron, payable half yearly; to appropriate £100 sterling annually to the roads in the island,—no road will extend above 8 miles, except from Sydney to Louisbourg, which is 28 miles; to build a stone quay or wharf near the mines at Spanish river, for accommodating “the exportation of coals. “There are plenty of good building stone within a few yards “of the only place it can be built upon, and limestone within “sight of it, on the water's edge. No other materials are “sufficiently durable, nor capable of resisting the waves and “the ice. These are, if built upon a proper plan and with “good workmanship.” He recommends appointment of superintendant of this work, who should also superintend the measurement of all coals raised, and allow him 6d. per chaldron, making the whole duty 4s. per chaldron. “In 2½ years the “quay may be finished and paid for, and £400 per annum “afterwards will keep it in complete repair.” This would produce a net revenue after the three first years of the contract of £800 to £1500 sterling, and the next seven years' lease

would probably net £3000 per annum to the crown. "The persons who have the mines this year, viz., messrs. Tremain and Stout, are respectable, and well qualified to carry them on with proper effect." "No man knows the island so well as I do, and I am convinced it is one of the most valuable parts of the British dominions in America."

"On the evening of thursday, 20 Dec'r., the lieut. governor and Mrs. Wentworth gave a ball and supper to the ladies and gentlemen of the town and the officers of the army and navy, which was altogether the most brilliant and sumptuous entertainment ever given in this country. The company being assembled in the levée room at 8 o'clock, the band, which was very numerous and excellent, played 'God save the king' three times over, after which the country dances commenced, two setts dancing at the same time. The whole house was open — every room illuminated and elegantly decorated. There was a room set apart for cotillions, above stairs, for those who chose to dance them, and a band provided on purpose for it. During the dancing there were refreshments of ice, orgeat, capillaire, and a variety of other things. At twelve the supper-room was opened, and too much cannot be said of the splendor and magnificence of it; the ladies sat down at table, and the gentlemen waited upon them. Among other ornaments, which were altogether superb, there were exact representations of messrs. Hartshorne and Tremaine's new *Flour mill*, and of the *Wind mill* on the Common. The model of the new *Light house* at *Shelburne* was incomparable, and the tract of the *new road* from *Pictou* was delineated in the most ingenious and surprising manner, as was the representation of our *Fisheries*, that great source of the wealth of this country. To all these inimitable ornaments corresponding mottos were attached, so that not only taste and elegance were conspicuous, but encouragement and genius were displayed. The viands and wines was delectable, and mirth, grace and good humor seemed to have joined hands to celebrate some glorious festival; but *this* was only for the friends of the government and Mrs. Wentworth. When the ladies left the supper-room the gentlemen sat down at table, when the governor gave several loyal toasts, with



*three times three*, and an applicable tune was played after each bumper, which had an admirable effect. At two o'clock the dancing recommenced, and at four the company retired. That ease, elegance and superiority of manners, which must ever gain Mrs. Wentworth the admiration of the whole community; and that hospitality, perfect good breeding and infinite liberality which so distinguished the character and conduct of our beloved and adored governor, never shone with more lustre than on this occasion, when every care of his and Mrs. Wentworth's mind seemed to be to give one universal satisfaction. Everything tended to promote one sympathizing joy, and never was there a night passed with more perfect harmony and luxurious festivity." [*Gazette.*]

28 December. In council. James Michael Freke Bulkeley, esq'r., was sworn in secretary and register of the province and clerk of H. M. council, in the room of Richard Bulkeley, esq'r., resigned.

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## APPENDIX TO CHAPTER VIII.

### ( 1. )

New York, Dec'r. 12. Last saturday, died, at his apartments in King street, major Thomas Montcrieffe, in the service of his Britannic majesty. His remains were yesterday interred in the family vault at Trinity church, attended by a number of his relations and friends. His death was occasioned by the rupture of an artery in the lungs. He was bred at Trinity college, Dublin, where, at an early age, he distinguished himself by the brilliancy of his genius, and a rapid progress through the classics and the belles lettres. His entrée on public life was in 1749, when he landed in Nova Scotia, where General (colonel ?) Cornwallis, observing his admirable requisite for military life, soon adopted and promoted him. In the war with France from 1755 to 1763, he had the honor to be distinguished by the attachment and confidence of the generals, Prideaux, Motelton, (Monckton?) Composit ? and Gage, who severally appointed him their aide de camp, &c.

### ( 2. )

7 January, 1792, saturday, died at Halifax, Walter Wilkins, in the 91st year of his age.

7 February. Winckworth Tonge, esq'r., aged 64.

29 February. The hon. Arthur Goold, aged 64.



11 May. Mrs. Anne Wenman, aged 76. (She had been the widow Pyke.)

16 July. John Fillis, esq'r., in his 68th year.

27 September. Mrs. Hester Godfrey, aged 101.

October. James Morden, esq'r., ordnance storekeeper.

“ 27. Rev. John Slocomb, A. M., aged 84 years, 5 months and 21 days.

December 3. Peter Artz, aged 68 years.

(Joshua Mauger spoken of as deceased, 14 May, 1792.)

( 3. )

10 October, 1791. 25,600 acres at Annapolis Royal, granted to Wm. Brinley, and 4 others.

9 February, 1792. 10,600 acres at Merigomish, granted to 33 persons.

( 4. )

1791. Alexander Howe, Annapolis,	}	Collectors of Impost & Excise.
John Thomas, Liverpool,		
Chr. Jessen, (1785), Lunenburg,		
Wm. Cutten, Colchester,		
1792. H. N. Binney, Halifax,		

( 5. )

Married, at Lunenburg, 2 August, 1792, by the rev. Mr. Money, Hibbert Newton Binney, esquire, to miss Lucy Creighton, daughter to colonel John Creighton.

## CHAPTER IX.

1793. Mr. Wentworth evinced a desire to promote social enjoyment and festivity. 9 January, there was a performance at the theatre, at the request of governor and Mrs. Wentworth. 18 January, the anniversary of queen Charlotte's birth-day, was celebrated as usual. At noon, a Royal salute was fired by the Royal artillery and troops of the garrison, drawn up on the grand parade. At 1, P. M., the Royal vessels fired a similar salute, and a levée was held at government house. In the evening, the front of government house was illuminated, and over the gateway a branch of lights was erected in the form of the British crown, with the initials G. R., 'supported and' 'environed with stars.' Mirth and festivity are stated to have prevailed during the evening.

The Septennial bill being now become law, the lieutenant governor, on the 22d January, dissolved the existing assembly. The writs for the new house were made returnable on the 5 March. On 30 January, the large wooden buildings, on the site where the new post office is just now being erected, were burnt down. They belonged to messrs. Thomas, James and William Cochran. Part of them were at that time occupied as a court-house. 1 Feb'y. The academy at Windsor was visited by Dr. Charles Inglis, the bishop, and the hon. secretary Bulkeley. The names of pupils who were distinguished were Millidge, Rowland, Stuart, junior, Gray, senior, and Gray, junior, and Howe, who recited speeches and verses.

Plays and balls appear to have been popular.---Feb'y. 19. John George Pyke and William Cochran were chosen mem-

bers for the township of Halifax. Cochran had 380 votes, Pyke 322, Brymer, 146. For the county, when adjourned to Onslow, there appeared for Bulkeley, 586; Sterns, 583; Hartshorne, 486; Wallace, 452; Steward, 321; Salter, 214; Fulton, 24. The county election ended at Onslow the 26 February. Bulkeley, Sterns, Hartshorne and Wallace, were returned.

The seats for Lunenburg weré also contested. Messrs. Barclay and Sterns were both proposed as speaker. Mr. Sterns withdrew. The new assembly met on wednesday, 20 March, and Thomas Barclay, esquire, was chosen. 28 members were present. Lieutenant governor Wentworth opened the session with a speech, in which he congratulates them on the general prosperity and harmony that prevailed throughout the province. (7th assembly, 1st session.) On tuesday, 2 April, Mr. Wentworth gave 'a most superb dinner to the council and' 'house of assembly—the bishops and chaplains—the judges,' 'and other officers of the province.' The company retired at 11, P. M.

Lieutenant governor Wentworth to Mr. Dundas. Halifax, N. S., 22 March, 1793. Sir: I beg leave to represent that since my last general report, the internal peace, loyalty and good order of the province has been undisturbed. Upon full consideration of all the circumstances of this province, and that the assembly had served seven years, in which time the state of inhabitancy had much altered, and from every other local reason, I have thought it greatly for H. M. service and the benefit of this province, to call a new assembly. Accordingly the late house was dissolved, and a new house convened on the 20th of this month. The elections were conducted with unexampled moderation and good order, notwithstanding there were many candidates. The new house appears to be perfectly well disposed to carry on the public business with moderation, dispatch and liberality, &c. He encloses an address of loyal duty, unanimously passed by both houses, to his majesty. Same date, he states there are two vacancies in H. M. council, and recommends James Delancey, of Annapolis, esquire, and John Butler Butler, of Halifax, esquire, and

Thomas Barclay, of Annapolis, esquire, as persons well qualified for the council.

At this time, prince Edward, afterwards the duke of Kent, was resident at Quebec, in military command. Several men of the 7th Royal fusiliers were tried by a court martial, on charges of a plot to seize the prince, the general and officers, and if they did not grant their demands, to put them to death and escape to the United States. Joseph Draper was sentenced to be shot; William Rose, to 500 lashes; Tim. Kennedy, 700 lashes; serjeant Thomas Wigton, 400 lashes, and James Landrigan was acquitted. The prince interceded with major general Clarke to spare Draper's life, which was granted.

On sunday, the 7 April, the bishop, at the request of the council and house of assembly, preached at St. Paul's, from Proverbs, 24, 21, text "My son, fear thou the Lord and the" "king, and meddle not with those that are given to change." James Boutineau Francklin was chosen clerk; the rev. Joshua Wingate Weeks, chaplain; Adolphus Vieth, serjeant at arms; Peter Etter, senior, messenger. Wm. Cottnam Tonge moved to appoint committee on public accounts by ballot, but his motion was negatived, 11 voting for it and 16 against it. Mr. Tonge's seat was disputed, but the house decided in his favor. 25 March. Mr. Crane was declared unduly returned, and Mr. Benj. Belcher obtained the seat for King's county. 13 April. Mr. Wentworth informed the house of a war declared against England by the rulers of France, and that he was ordered to raise a regiment in the province, of which he was to be colonel. 13 April. £380 voted for repairs of government house. 17 April. The capitation tax had produced £375 1s. 10d. The old funded debt was £17,784 2s. 7d. New funded debt, £4,942 13s. 6d. Demands on government, £2250. The balance against the province was £19,660 13s. 5 $\frac{3}{4}$ d. The provincial agent, Mr. Cumberland, had been written to by the late speaker, Uniacke, to oppose the project of Sir Wm. Hamilton and others, for removal of the whale fishermen from Halifax to Milford Haven. Mr. Stokes had come to Halifax in 1790, as an agent for that purpose. In 1791 and 1792 the speaker had written to the agent, as to opening a free port in Halifax,—

direct importation of wine from the Mediterranean,—the whale fishery,—the direct import of pitch, tar and turpentine from the States,—bounty on lumber sent to Great Britain,—more ports of entry in the province,—alteration of boundary with New Brunswick,—division of counties, and other subjects. To all these there had been no response, and the house dissatisfied, voted to thank Mr. Cumberland for his previous services, and to appoint Mr. Philip Sansom, resident in London, to be agent hereafter. The council negatived this resolution, thinking he (Mr. C.) should be written to before taking this step. Saturday, 27 April, the assembly was prorogued.

Mr. Dundas, in his letter dated 'Whitehall, 9 Feb'y., 1793,' informed the lieutenant governor that 'The persons exercising the supreme authority in France' had declared war against the king of England on the first of that month—that 'letters of marque or commissions of privateers' would be 'granted in the usual manner,' and assurance was given to the owners of all armed ships and vessels, that his majesty would consider them as having a just claim to the king's share of all French ships and property which they might make prize of. Homeward bound merchantmen were also advised to wait for convoy. This was laid before the council on 13 April, and a proclamation of war with France directed to be made by the sheriff of each county, and some time after a public fast was appointed for Friday, 10 May. Lieutenant governor Wentworth states to Mr. Dundas, 2 May, 1793, that major Barclay being named for lieutenant colonel of the regiment to be raised in Nova Scotia, expressed himself grateful for the honor, but instead of so serving, proposed to raise a regiment of militia volunteers, to be commanded by respectable half-pay officers, of ten chosen companies, two to be artillery and one of horse, ready to march to defend any part of the province, but especially to defend St. Mary's bay, Annapolis, &c., to consist of 1000 men. Lieut. governor Wentworth recommended major Samuel Veitch Bayard, late of H. M. Orange Rangers, to be lieut. colonel of the regiment. Captains Howe, late of H. M. 104th, and Aldridge, late of H. M. 40th regiment, applied to



serve in this regiment upon half pay only, and without claim of rank. Mr. Tonge, now adjutant, and on leave from the 60th, has also offered his services upon the same terms. He described these gentlemen as highly respectable in the province—pre-eminently distinguished for their military accomplishments, and likely to be of the greatest service in forming a new regiment. He says that the half-pay ensigns here are chiefly married men, advanced in life, with farms and families, so he must name others for junior ranks. He asks leave to call the regiment by the name of “The king’s Nova Scotia regiment.” In another letter to Mr. Dundas, 3 May, he commends the economy of the house of assembly, who, he says, had reduced most of the expenditures 20 to 25 per cent., their own pay and the speaker’s salary included. He shows the extreme poverty of the Indians, whose hunting had been injured by the extension of roads and settlements and by the two last mild winters. Asks a gift of £200 for their aid. Suggests that a company of 60 or 100 Micmacs would be of service against an enemy. By Mr. Wentworth’s letters, in April and May, we find that the regiment he was to raise was to be of 600 men, for the defence of the province upon the pay and allowances of the army, but without rank or half pay—that he was directed to give the commissions to half-pay officers, who might return to their half pay on the expiration of this service, and that he had been notified that lieutenant colonel Beverly Robinson, late of the Loyal American regiment, should be lieutenant colonel, and major Francis Kearney, late of the Pennsylvania Loyalists, should be major of the new corps. By 20 April, 30 men were enlisted; 30 April, 80 men. May 3, he writes to Edward Armstrong, esquire, making him agent for the new regiment. In April, the 21st regiment embarked in four brigs, under convoy of H. M. S. Winchelsea, capt. Fisher, for Barbadoes. A French frigate being reported off the coast, the ship of war Hussar, capt. Rupert George, sailed on a cruise, and next day (30 April) H. M. S. Alligator, capt. Affleck, arrived from Portsmouth, having, on her way, captured two French privateers and two French West India-men, cargoes valued at £40,000, bringing the merchant crews

here as prisoners. As the Alligator was to go to the siege of St. Pierre, Mr. Wentworth gave capt. Affleck 33 volunteers, two officers, and a pilot, capt. Meagher, of Musquodoboit.

Lieut. governor Wentworth to H. E. major-general Clarke. 8 May, 1793. "Brig'r. general Ogilvie has, no doubt, reported to your excellency the reduced state of this garrison. The harbor also without a ship of war. In the town I have 700 good militia, who may be depended upon. One company, about 60 freeholders, are formed into artillery, and are now practising with great assiduity, under the instructions of the detachment of Royal artillery in this garrison. It will be necessary to furnish the militia with arms from the king's stores, as there are not any to be had in the province. I have another select regiment of 1000 men, commanded by half-pay officers, and composed of privates, most of whom served under these officers during the late war. They have two companies of artillery and one troop of horse, and can be assembled at Halifax in six day's notice—part of them sooner. The king's Nova Scotia regiment, raising under my command, exceed 100 men, now in garrison."

Both the Hussar and the Alligator got leave to impress men. The former was limited to thirty marines. It was stated as the 'practice and usage of this province' to authorize impressing men 24 hours before the ship sailed for whose service they were required. The effect of this rule no doubt would be to restrict the number of men so obtained, but it would also give little chance of liberation to any one improperly captured. As it is to be hoped that such a system will never be revived among us, I shall not dwell on its objectionable features.

On the 6 May, intelligence was received at St. John, N. B., of a French privateer, of 10 guns, with 45 men, cruising in the bay of Fundy, on which a night patrol was established there. Captain Robert Reid, with a party of the 'Independant Volunteers,' took the first tour of duty. It was proposed to fit out an armed vessel to go after her. Another guard-house was ordered to be fitted up for the watch; a double guard was to be placed at the Lower Cove battery, the guns

of which were 18-pounders, and so excellently situated as to prevent the possibility of an enemy's ship coming into the harbor. May 16. The Hussar returned, and her captain, Rupert George, hoisted a broad pendant as commodore on this station, and then joined the squadron.

Mr. Wentworth, in writing to capt. Howe, sympathises with him on the loss of his 'aged and truly respectable mother.' Mrs. Cottnam, daughter of Mrs. Howe, asked to have the pension allowed to Mrs. Howe, continued to her. I conclude the lady referred to was the Mrs. Mary Magdalen How, (widow of Edward How, who was killed by treachery in 1750), [*see this vol., p. 193,*] and that her son was Alex'r. Howe, who was a member of assembly, and held army rank. Alex'r. Howe lived afterwards in Halifax. He had three sons—Rich. J. U. Howe, now, I am told, a captain on half pay, residing in England, Henry, and ———.

28 May. Mr. Wentworth states to Mr. Dundas that he had enlisted 330 men for his regiment, of whom 269 were in the garrison of Halifax, completely fit for duty. 4 June. He informs him that the town militia are near six hundred strong, completely armed from H. M. Ordnance office. There was also an artillery company, 56 men, chiefly merchants and freeholders, who were daily exercised. Many of them had served in the army. In June, the magistrates at and near to Annapolis complained that 40 or 50 American fishing vessels were employed in the harbors and on the shores in that vicinity; that they lay for weeks together at anchor, and refused obedience to the laws regulating the fisheries and the custom-house laws, and by throwing offal overboard damaged the fishery; but the lieutenant governor had no vessels at his disposal to enforce the law. The expedition which was sent to St. Pierre, Newfoundland, obtained possession of the place without fighting. There were eight 26-pounder guns there, and 1502 inhabitants. The fishermen and the troops were to be carried to Halifax—the rest to remain there until H. M. pleasure should be known. 20 June, (thursday), major-general Ogilvie arrived at Halifax in the Alligator, frigate, from St. Pierre, with five transports, in which were from

500 to 600 prisoners, and stores. The governor of St. Pierre, (monsieur Danseville,) came in the Alligator, and was at liberty to walk about the town. The prisoners were in good health, and no pillage had been permitted on the capture of the place. On sunday, 23 June, the prisoners were landed, and placed in Cornwallis' barracks. Lieut. governor Wentworth hired, for £60 a year, an island near the head of the N. W. arm, on which were a dwelling house and buildings erected for a fishery, and had caused births to be fitted up to receive the prisoners coming from St. Pierre, but general Ogilvie preferred to lodge them in the Cornwallis barracks, in the town. The island, known as Melville island, was afterwards used as a prison in the French war and in the American war of 1812-1815. (having been, I suppose, purchased by government), and large buildings erected there.

At this time a poll tax was in force. It was passed in 1791, and amended in 1792. It was published in the Royal Gazette of 21 May, 1793. By this law: One shilling yearly was imposed on every male of 21 years old and upwards, not otherwise taxed in the act; 3d. per head on black cattle, and  $\frac{1}{2}$ d. a head on sheep; 2s. on every mechanic or handicraftsman; 5s. on every master mechanic; 5s. on every master of a vessel; 2s. 6d. master of a coaster; 2s. 6d. mate of a vessel; 10s. on every attorney at law, physician, surgeon, apothecary and merchant, (who imports goods into the province;) 5s. on retail traders;  $1\frac{1}{2}$ d. in the pound on persons who receive stipend, salary or annuity above £10, (widows, and army and navy officers actually in service, excepted;) paupers receiving town support also excepted. This revenue was professed to be raised towards paying off the public debt. It seems at this period that the servants of government, and others having warrants on the provincial treasury, were compelled to lose 30, 40, and even 50 per cent. discount on them. This may account for the enactment. We may reasonably infer that no very great sum was raised under this law. --- 17 June. The public burial ground, of 2 acres, 1 quarter and 5 rods, was granted to the churchwardens and vestry of St. Paul's. As this ground had been allotted and appropriated by government in 1749 as a



public burial ground, it seems that the validity of this grant is open to much question. 1 July. The 65th regiment was embarked in 6 transports, and with 6 other vessels, having the 6th regiment on board, they proceeded to the beach, to sail under convoy of the Alligator, for Barbadoes.

Three distinct corps of militia were enrolled in the western portion of the province, viz., the regiment raised by colonel Barclay—one under colonel Millidge, and a body of *Acadians*, commanded by lieut. colonel Taylor. Jonathan Binney, esq'r., who had been a member of the council, was at this time desirous of being reinstated, and lieutenant governor Wentworth wrote, 3 July, to the under secretary of state, expressing that he would have pleasure in this being done. 19 July. H. M. frigate Boston appeared off Halifax harbor to procure a pilot for the American coasts, upon which brigadier general Ogilvie, then commanding the troops, ordered the signals of alarm to be made. On this, the king's Nova Scotia regiment were in a few minutes paraded, and the first battalion of Halifax militia assembled completely armed in fifteen minutes before the government house. This is stated by Mr. Wentworth, in a letter of 23 July to Mr. Dundas, the secretary of state. He adds: 'In case of any invasion on this town, it will, in twenty' 'minutes, put under the command of brig'r. general Ogilvie,' '900 militia, in two hours to be reinforced with 600, being' 'the second battalion, who reside a few miles round the town,' 'and these as fast as possible by the militia Legion of' 'Nova Scotia, consisting of 1000 effective men, commanded' 'by colonel Barclay, and other respectable officers, upon half' 'pay.' Of the Halifax militia artillery, he says: "Among the" "privates are men of from £100 to £600 *per annum*, clear" "estate, who, from a declared principle of loyalty, and utter" "abhorrence of French democratic tyranny, have voluntarily" "offered their services." He considered the militia everywhere well disposed and faithful. On emergency, he reckoned on 4000 of them to join him, and in an extreme case 2000 more. He estimates the whole force of the country at 9160 men. He requests arms for Barclay's legion. The people of the harbors on the Atlantic coast are ready to assist in de-



fence. He refers to the French squadron in the Chesapeake, from which apprehensions are felt here. General Ogilvie has reserved from him all his plans of defence. He urges the buying the services of the Indians, by feeding and entertaining them, calling them a restless, savage people, who will be employed. His plan is to victual and clothe a certain number of them, to be always encamped in the woods, under the orders of government. He had directed George Henry Monk, esq'r., superintendant of Indians in this province by Royal commission, to act as their leader, and to '*modify*' them, without pay or salary, except such reasonable contingent expences as unavoidably must be incurred. He also complains that general Ogilvie will not have his regiment mustered, or acknowledge it as a corps in the king's service, although it does more than three-fourths of the garrison duty, and one officer and sixteen men do duty on board a schooner in the lower harbor by the general's command. The regiment, he says, is mortified and discouraged, not being treated as the regiment in New Brunswick.

Mr. Wentworth owned a lot of land, of some hundred acres, on the West shore of Bedford Basin, about 6 miles from Halifax, and had a cottage there, which he called Friar Lawrence's Cell, where the duke of Kent afterwards built, improved and resided, calling it the Lodge. The land continued to be the property of Mr., afterwards Sir John, Wentworth, and after the duke left this province, Sir John used it as his villa. It fell, at his death, to his son, Sir Charles Mary Wentworth — then to Mrs. Gore, the authoress, one of the family, and is now, I believe, owned by her son, Mr. Gore, who received the prince of Wales there in 1860. Mrs. Gore presented Sir J. W.'s letter books to the province, and I have found them very useful. He dates a letter to general Ogilvie '*Friar Lawrence's Cell, 2 August, 1793,*' stating a project said to be entertained by the French prisoners from St. Pierre, to act hostilely, and to set fire to the town if the enemy should approach it. In August, apprehensions existed here that the French fleet then at New York would attack Halifax. Additional naval strength was solicited, and the people of Liverpool and Lunenburg ap-

plied for cannon, small arms and ammunition, to defend themselves. The Halifax militia was commanded by colonel J. G. Pyke, and the town artillery company by captain Tremain. The *available* militia was computed as 7000 men. — Lieutenant governor Wentworth to brigadier general Ogilvie, 24 August, 1793: "This moment an express is arrived from Windsor, with the enclosed declaration, sent by lieut. colonel Monk, of the Hants militia. It is supposed the large vessel mentioned is a privateer sloop, Thomas, master, fitted out from St. John, New Brunswick, and that the four small vessels are picaroons. The circumstance has exceedingly alarmed the people at Windsor, and in the vicinity, who wish only for some ammunition and the use of Fort Edward, which they offer to repair at their own expense, and thereby to defend themselves and that part of H. M. province." — Requisites for the defence of Shelburne were granted by general Ogilvie, and Mr. Wentworth named the hon. Alex'r. Brymer, (who was deputy paymaster general), as agent for the regiment he was raising, and Christopher Aldridge, esq'r., paymaster. Major Kearney was now appointed lieut. colonel, and major Bayard, major of the N. S. regiment, and the £200 which lieut. governor Wentworth had requested in aid of the Indians was granted him. Permission was also given him to engage and arm a vessel for coast service. From the 1st battalion, Halifax militia, 550 men assisted the garrison in repairing and mounting the batteries, which they completed 27 August, and were then dismissed. Arms were requested: 35 stand for Country harbor, and 30 stand for Beaver harbor. At Bermuda, governor Hamilton expected the enemy, and was making every preparation for defence. Colonel Barclay offered that his militia should repair part of the old works at Annapolis, so as to make 'a small, snug, compleat redoubt, on the most commanding situation.' Mr. Wentworth wrote to Joseph Peters, the postmaster at Halifax, 15 August, 1793, directing him "to send all such letters as may from time to time during the war come into your office, addressed to Frenchmen, and deliverable in this town to me, in order to their being duly inspected before delivery."

The birth-day of the prince of Wales was kept on the 12 of August, by a levée at government house between 1 and 2 P. M. —a dinner to officers of army, navy, &c., and the illumination of the house in the evening. 11 Sept'r., lieut. colonel Kearney arrived here from Cork, to take charge of the N. S. regiment. 9 Oct'r. On intelligence as to the force of the French fleet at New York, preparing and nearly ready for sea, and that they were supposed to be destined for Halifax or the fisheries, the lieutenant governor, general Ogilvie and commissioner Duncan united in opinion that this place was in danger, and that the country militia should be brought to town, and the council approved of the measure. The information received was contained in letters from the British consuls at Philadelphia, in Virginia, &c. The French were said to have at New York 2000 regular troops, 100 Irishmen, 100 deserters from Galbaud's corps, "and a banditti of miscreants who refused" "obedience to the United States." They also had 40 horses and 16 pieces of field artillery. They were all badly clothed. Mr. Wentworth issued orders for 1000 men to be marched from the regiments of Hants, King's and Annapolis counties to Halifax with all possible dispatch. General Ogilvie promised all the unoccupied barrack room, and the lieut. governor states to Mr. Dundas, 10 October, that nearly 400 could be lodged in the place he had proposed for the French prisoners from St. Pierre, (Melville island.) About 1050 effectives, exclusive of officers, marched into town with all possible speed and alacrity. Mr. Wentworth says: "Perhaps a finer body" "of athletic, healthy young men, were never assembled in" "any country, nor men more determined to do their duty." One company, under captain Willet, marched from Granville to Halifax, performing 135 miles in 35 hours. Of the French Acadians, 75 youths came near 200 miles, zealous and gratified to unite with the English colonists. The behavior of the militia while in town was unexceptionable. Colonel Barclay, the adjutant general, came with his men, and declined any pay. The lieutenant governor commends him, colonel Van Cortlandt, of King's county, and lieut. colonel Howe and colonel Brymer, of Hants. The militia and regulars at the capital

amounted, as it was computed, to near 4000 men. Lieutenant governor Wentworth, finding that the French armament had left the American coast on the 9 October, and were believed to be on their way to Newfoundland, and the apprehension of their attempts on Nova Scotia ceasing as the season passed, on 31 October called H. M. council together, and stated to them his intention to send the militia to their homes, in which the council concurred. He accordingly, on 2 November, published his thanks to them for their prompt obedience and good conduct, and dismissed them after a garrison service of about four weeks. The last division marched off on the 8 November. The expence of this movement was paid by the British government, Mr. Wentworth drawing bills on the lords of the treasury for £4597 sterling to cover the pay, subsistence and contingencies of the militia.

The lieutenant governor was anxious to be rid of the French prisoners who had been brought here from St. Pierre and Miquelon, they being, as he states, "*violent democrats to a*" "*man.*" He also complained of emigrants (not prisoners) from the same quarter, who came to Cape Breton and to Nova Scotia. Several families had come here and behaved well, but there were some of them at Arichat who poisoned the minds of the French Acadians with '*democracy.*' The Acadians he represents as quiet and well affected, and the other catholics in the province as loyal subjects; and he recommends that their priest, Mr. Jones, should receive £60 or £70 a year from the British government.

A fatal epidemic fever raged in Philadelphia this season. From 19 August to 4 October, forty-six days, the burials were 4064. The disorder raged most violently and destructively in confined places and narrow alleys, and their vicinity,—in poor, dirty houses, and amongst intemperate, imprudent people. Sad havoc was made of sailors—women of bad character, and those who frequented such places. Near a hundred vessels in Delaware, bound for Philadelphia, were detained there in consequence. Of four daily papers published in Philadelphia, three were discontinued, and two of the weekly papers were also abandoned. At Halifax, precautionary measures were



taken on the 9th October, and quarantine established below George's island. About the close of October the disease abated, after having destroyed about 6000 persons at Philadelphia, out of a population of 55,000. The American novelist, Charles Brockden Brown, has, in one of his novels, given a most vivid description of the state of the unhappy city during the existence of this plague.

On 2 December, Benjamin Green, who had served for thirty years as treasurer of the province, (son and successor in office of the hon. Mr. Green,) died very suddenly. On an investigation of his office and papers, everything was found correct. He left a widow and thirteen children. Lieutenant governor Wentworth nominated Benning Wentworth, esq., his brother-in-law, to succeed as treasurer. Mr. Benning Wentworth was at the time in England, with his family, but *ad interim* he appointed Francis Green and George Thesiger to act as joint treasurers.

Permission was given to call the governor's regiment 'The Loyal Nova Scotia Regiment.'

Provisions are stated by Mr. Wentworth to have been now at Halifax 'as plenty, as good, and cheaper than at Boston,' 'New York or Philadelphia,' and this he attributes to the opening and repairing roads into the country. He also says the public debt of the province is at par, while two years before it was at 30, 40, and even 50 per cent. discount.—6 Dec'r. Lieut. governor Wentworth, writing to Mr. Dundas, explains the reasons for passing an act, 33 Geo. 3, c. 55, 1793, for confirming marriages previously solemnized by justices of peace and other laymen. He says: "The people whom it" "will relieve are generally settlers from New England, where" "marriages by magistrates were legal; and being in the" "province, located far distant in many instances from any" "clergyman, they naturally fell into this practice, which the" "government did not rectify." By an act of 1795, the governor was empowered to appoint laymen to solemnize marriage in townships where there was no regular clergyman resident, and the practice continued until comparatively recent times. It is to be remarked that the presence of a priest at a mar-



riage was not held to be essential to its validity until the council of Trent required it, and the Scotch law recognizes marriages without a minister as valid and binding, tho' irregular. In closing our survey of 1793, we cannot fail to observe the general loyalty, concord and good feeling that animated the people of the province; and it is but fair to give credit to Mr. Wentworth for the industry and skill he displayed in forming his regiment, and in making available for defence the young men of the country, when it was seriously menaced with invasion.

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## APPENDIX TO CHAPTER IX.

Seventh General Assembly—First Session—held at Halifax 20 March, 1793.

John Wentworth, esq'r., lieutenant governor.

Thomas Andrew Strange, chief justice and president of council.

Thomas Barclay, speaker; James Gautier, secretary of council; and James B. Francklin, clerk of assembly.

[*From the N. S. Gazette, of Halifax, March 26.*]

The following gentlemen were returned as representatives for the several towns and counties hereafter mentioned, in this province; and those marked thus \* attended, to take their seats:—

County of Halifax—\*Jonathan Sterns, \*James Michael Freke Bulkeley, \*Lawrence Hartshorne, \*Michael Wallace, esq'rs.

County of Cumberland—\*William Freeman, esq'r., \*Mr. Samuel Embrie.

County of Lunenburg—\*John William Schwartz, esq'r., Mr. Edward James.

County of Annapolis—\*Thomas Millidge, esq'r., \*Mr. James Moody.

Queen's county—Simeon Perkins, Benajah Collins, esq'rs.

County of Shelburne—Stephen Skinner, esq'r., Mr. James Humphrys.

County of Hants—\*Hector McLean, \*William Cottnam Tonge, esq'rs.

King's county—\*Jonathan Crane, \*Elisha Dewolf, esq'rs.

County of Sydney—John Stuart, Thomas Cutler, esq'rs.

Town of Halifax—\*John George Pyke, William Cochran, esq'rs.

Town of Truro—\*Mr. Matthew Archibald.

Town of Onslow—\*Charles Dickson, esq'r.

Town of Londonderry—\*Mr. Robert McElhinney.

Town of Amherst—\*Mr. Thomas Lusby.

Town of Lunenburg—Mr. John Bolman.

Town of Annapolis—\*Thomas Barclay, esq'r.

Town of Granville—\*Alexander Howe, esq'r.

Town of Digby—\*Mr. Henry Rutherford.

Town of Liverpool—\*Mr. Samuel Hart.

Town of Shelburne—Colin Campbell, esq'r.

Town of Barrington—Mr. John Sargeant.

Town of Windsor—\*John McMonagle, esq'r.

Town of Falmouth—\*Jeremiah Northup, esq'r.

Town of Newport—\*Shubael Dimock, esq'r.

Town of Horton—\*Samuel Leonard, esq'r.

Town of Cornwallis—\*Mr. William Baxter.

Town of Yarmouth—Samuel Sheldon Pool, esq'r.

In all, 33 members—28 present. A committee of council attended, and swore the members present.

## CHAPTER X.

1794. Lieutenant governor Wentworth purchased a vessel for the provincial service for £1035 sterling.---Prince Edward, son of the king, arrived from Canada, at Boston, 6 February, on his way to the West Indies, where he was going to take command of the army.

Lieutenant governor Wentworth took great care to obtain cannon and ammunition for the fort at Annapolis, and for the protection of Digby. Some of the French prisoners were sent to Guernsey.

On the 21 February, in the house of commons, Mr. Sheridan moved for papers respecting the defence of Halifax, stating its importance and its defenceless state--the withdrawing of troops thence to the West Indies, &c. Mr. secretary Dundas admitted that in the choice of dangers, they looked to the defence of the West Indies in preference, deeming an attack on Halifax less probable.

On saturday, 10 May, his Royal highness prince Edward arrived at Halifax in H. M. frigate *Blanche*, in eleven days' voyage from St. Kitts. At 6, p. m., his excellency the lieutenant governor waited on the prince, and congratulated him on his safe arrival here; after which the prince and the lieutenant governor landed, under a Royal salute from the *Blanche*--from the armed snow *Earl of Moira*, (just returned from carrying cannon and ordnance stores to Annapolis and Digby), and from the citadel. On monday, two field pieces were drawn up on the parade, and fired a Royal salute, which was answered by the batteries of the garrison. On wednesday

evening, (the 14th), the town was illuminated. The same day there had been a crowded levée at government house, when addresses were presented to prince Edward. The address of the lieutenant governor and council contains, "sentiments of" "exultation upon your safe arrival"—"great value of your" "Royal highness's person"—"illustrious birth and pretensions"—those truly noble and engaging qualities of active "valour and condescending courteousness"—"the ascertained and indisputable praises of your Royal highness's character"—"your Royal highness's personal valour and exertions." "Heroic offspring of highly revered parents! of a king, the undoubted father of his people,—of a queen, the unrivalled pattern of her sex,—may your Royal highness long live the object of our wishes! may victory ever attend your steps!—may you continue to be an example to the British army, and support to the throne—a credit and defence to the nation! and may you be happy in the respectful affection of all his majesty's subjects, founded upon your princely station and your early and approved virtue."

The address of the magistrates and principal inhabitants of Halifax was couched in more prosaic language. They offered "the most sincere professions of loyalty, affection and attachment to his majesty and his illustrious family, and to congratulate your Royal highness on your safe arrival in this province, and upon the success that has attended H. M. arms in the West Indies, where your Royal highness has borne so conspicuous and so honorable a part."

On saturday, 24 May, Prince Edward reviewed the troops stationed here, behind citadel hill. He was attended by general Ogilvie the military commander, commodore George, R. N., &c. The Royal standard was erected, and Royal salute fired. On monday, 26th, the bishop presented him with an address, on behalf of himself and his clergy, in which is this paragraph: "Your progress, sir, to this part of H. M. American dominions has been strongly marked by a variety of hazards. Whilst we admired that heroic ardor and intrepidity which, at the call of duty and honour, led you to spurn every danger from fatigue through inhospitable wilds—from the ex-

tremes of climate—from avowed enemies, and from others who were secretly hostile, we were greatly agitated, and felt the utmost anxiety for your safety. Like the celebrated Roman, who is equally memorable for the number of his victories and for the celerity of his military movements, you flew to the embattled hosts of your enemies ; like him, you came—you saw them—you conquered.”

As our colonists were gratified and felt deeply honored by the repeated visits of prince William Henry, (afterwards Wm. the 4th,) who came here first as a young naval officer, and after that in command of a frigate, and were charmed with his frank, genial and simple manners, they were dazzled and impressed greatly by the residence of the young prince, Edward, who brought with him the personal reputation he had earned for great activity and zeal in his military profession. Independantly of the eclat which his rank gave him, he gained the hearts of the civilians by his affability, benevolence and liberality. His generosity was displayed in many ways. He gave employment to workmen of every kind—laborers, painters, masons, carpenters, &c. He interested himself sincerely in the welfare of families and individuals, and this feeling continued during his life ; for long after he bade a final adieu to Halifax, his exertions and influence were often used to procure commissions, pensions or employment for persons whose parents he had known while here. He remained, in fact, the ready patron of Novascotians until his death ; so that if there were some little exaggeration of eulogy or reverence given him in Halifax, his heart responded to the genuine good feeling which overflowed in his favor, and many of our people had cause to bless his memory. In military life, the case was somewhat different. Educated partly on the continent of Europe, his ideas of discipline partook too much of the severity and rigor then prevalent in the armies of Germany, and he never was a popular commander,—having had difficulties sometimes with his officers, but more serious ones with the men under his orders, especially at Quebec and Gibraltar ;—at the last named place a serious mutiny resulted. He was characterized through life by a strong sense of duty, a strict



conscientiousness, much self-denial and personal hardihood ; avoiding all effeminate habits and indulgences, while alive to the charms of music and society. He paid a sincere respect to religion, and in every instance exhibited a native dignity of behavior. The excellent qualities that distinguished the prince have been evidently inherited by the illustrious lady, his only daughter, whose virtuous and upright disposition adds honor and respect to the grandeur of the British throne.

Thursday, 15 May, an examination of the students at the Windsor academy took place. Bishop Inglis, judge Brenton, and several resident gentlemen, attended. It lasted five hours. The pupils were questioned in Latin, Greek, Geography and Mathematics. The names of Inglis, (afterwards bishop), Stuart, senior, St. Croix and Howe, are mentioned for their recitations. A building for the college was in progress.

26 May. 223 French prisoners embarked for Guernsey. 170 more were to be sent off in a few days, and those still at St. Pierre and Miquelon within three weeks.

The Shubenacadie canal, which, 31 years subsequent, was undertaken with great zeal, appears to have been originally planned (or adopted) by lieutenant governor Wentworth. In a letter of his to colonel Small, dated 27 May, 1794, he says : " Your territory at Kennetcook will be much improved by " *my plan* of rendering the Shubenacadie navigable, and a " communication thence to Dartmouth by a chain of lakes. " " This great work I hope to get completed, if we are not " interrupted by hostilities."

28 May. On application of commodore George, an impress warrant was granted to take 50 marines for the Hussar and Blanche ; and on 6 June, the application of Sir Charles Henry Knowles, captain of the frigate *Dædalus*, for leave to impress men, was refused. On the same day, 6 June, (friday), colonel James Delancey was sworn in as member of H. M. council on a royal mandamus, which he produced.

The assembly met 6 June, (7th general assembly, 2d session.) The lieutenant governor's opening speech referred to prince Edward's successes in the West Indies, and to the alacrity of the militia when called here for defence. Both houses

echoed his ideas, the council speaking of "brilliant services" "voluntarily rendered" by the prince. On the 10 June, the house of representatives addressed him in eulogistic terms. A discord occurred between the family of the late treasurer Green and several public officers who had seized his iron chest and papers, and sealed up others. It does not appear whether they justified their conduct, but it is clear, from the report of a joint committee of both houses of 19 June, that Mr. Green's accounts were correct and vouched, and the balance accordingly due from his estate was £160 17s. 3d. The net collection of the light duty for Sambro' lighthouse was £237, being £58 less than the expences. Shelburne lighthouse collection for 15 months was £48 15s. 10½d. The whole debts of the province amounted to nearly the sum of £25,000, while the receipts and claims available per contra were near £10,000, leaving an actual balance of debt against the province unprovided for of about £15,000, for which sum, and more, interest was running on against the province. The capitation tax had been very irregularly collected. On wednesday, July 9, the assembly was prorogued.

On the 6th of June, the day the assembly met, the prince determined on a journey through this province to New Brunswick, proposing to set off from Halifax on thursday, the 12th---to reach Annapolis on the 15th or 16th, and thence to embark for St. John without delay, where he expected to meet governor Carleton, designed to travel rapidly with a small retinue, and return to Halifax as soon as possible. Mr. Wentworth, at the prince's desire, notified governor Carleton of his intentions, and he likewise wrote about it to the hon. colonel Ludlow, the mayor of the city of St. John. The departure of the prince was postponed until 14 June, and the Zebra, sloop-at-war, was to attend him at Annapolis, to convey him over the bay. I have not found any account of his progress until his getting to Fredericton, the capital of the new province of New Brunswick. He arrived at the government house there in company with governor Carleton, and their suites, at 10 o'clock, on saturday evening, 21 June. From the river bank to the house, the road was lined by the troops in

garrison and by captain Jarvis's company of Fredericton militia, and the town was illuminated in honor of his visit. Next morning a royal salute was fired from 'the saluting battery.' At 11, A. M., he held a levée, and after that received addresses from H. M. council for New Brunswick, and from the inhabitants of the county of York. Next he inspected the 'king's' 'New Brunswick regiment.' Early on monday morning the prince and governor Carleton embarked again, and arrived at the city of St. John about 10, P. M., passing through the falls, which is said to have been 'a circumstance almost unexam-pled at that hour in the evening.' He was received by a captain's guard of the king's N. B. regiment, as he had been at his original landing there. On tuesday, (24th), he inspected the batteries and the ordnance stores; and at 3, P. M., held a levée at the house of Mr. Chipman, the solicitor general, which was crowded with the chief citizens and the officers in garrison. (This Chipman house had the honor of receiving his grandson, the prince of Wales, on his visit to America in 1860.) About 7, P. M., he left the city, embarking in the Zebra to cross the bay. He was escorted through a concourse of inhabitants, and saluted by a detachment of the provincial regiment; and loud and repeated cheers as he left the shore testified the popular feeling in his favor. As the Zebra passed, the batteries saluted, and he proceeded in her to Digby, on his way to Halifax, where he arrived on saturday, 28 June. Prince Edward now had obtained and assumed the chief military command.

On the 22 July, William Corran, master of the brig Fal-mouth, which put into Lunenburg in June, and who had been brought up here for trial, was executed for murdering a passenger named Joseph Porter, while on a voyage from Jamaica to Belfast. This case was peculiar, inasmuch as the death, it is said, was brought about by repeated small incised wounds, daily inflicted, literally killing the man by inches. At the present day it is probable that this cruel offence would have been justly attributed to insanity; but in the 18th century, capital punishment was much believed in, and too much resorted to in practice.

At this time the British cruisers, who were numerous and resorted much to Halifax, made many prizes of French merchantmen, and of American vessels having French property as cargo. The neutral vessels were chiefly restored after the enemies' goods had been secured and condemned. On the 22 July, two English men of war arrived here and brought with them 13 prizes, taken by an English squadron of 8 ships under rear admiral Murray. They had been on their way to France, with provisions, with a strong convoy. On the 24th, five British men-of-war left Halifax on a cruise. The American ship Pegou, bound from the isle of France to New York, was brought here, and her cargo was condemned (28 July) in the vice admiralty court as French property. The vessel was released.

The Acadians and Indians had now a French R. C. missionary, M. Jemtille, who is praised highly by Mr. Wentworth. He is called 'a decided loyalist.' I suppose Royalist is meant. His predecessor, a Mr. Phelan, had not obtained the confidence or good opinion of the lieutenant governor. Mr. Jones, the R. C. clergyman in Halifax, is stated to have brought his flock into good order, and they had the credit of being among the foremost in duty of militia defence.

The remainder of the French prisoners from St. Pierre and Miquelon, with some others, brought in prizes, were, about the end of July, sent to Guernsey, in the ship Parr and brigs Union and Hope. M. Bellegarde, a French democrat negro general, who had held command under general Rochambeau, at Martinique, had been taken before and paroled, then sent, at his own request, in a schooner to Boston, with his family and property. On his way thence to France he was again taken in one of the flour laden ships that came in here prizes, 22 July, but prince Edward kindly released him, and he returned to the United States. Two *aides-de-camp* of general Collet were among the prisoners, and some passengers in the Pegou, named Gabriac, Petitoin, Baudouin and Chaussandie, were sent to Guernsey with the other prisoners. Mr. Wentworth writes to major Thorne, commanding at St. Pierre and Miquelon, 29 July. Mentions the arrival of some of the



French inhabitants, who, he says, are safe arrived and comfortably settled, both to their own benefit and to the advantage of this country, where laborers and mechanics are much wanted. He informs him that the three vessels, Parr, Union and Hope, 'will take 300 inhabitants from your island, and I will' 'send the first vessel I can obtain to complete the evacuation without loss of time. All that remains, 334, to be sent' 'to Guernsey, unless any particular persons or families that' 'you may think proper to send here with your recommendation, which I shall with great pleasure comply with.' Tells him that on the June packet's arrival "H. R. H. prince" "Edward will probably order transports to remove your regiment from your present unpleasant situation." Before the reduction of the place, 150 families, apprehending danger, had migrated from St. Pierre and Miquelon to Cape Breton and Nova Scotia. The prisoners brought here afterwards were kindly treated. Many of them escaped from Halifax to the interior country, expressly to avoid being sent to France; and gentlemen whom the lieutenant governor allowed their parole, all deserted to the United States for the same reason. [*Mr. W's. letter to Mr. Bond, British consul at Philadelphia.*]—1 August, Friday. The Tankerville packet arrived in seven weeks from Falmouth. Benning Wentworth, esq'r., his lady and family, came passengers in her.

John Jay, esq'r., chief justice of the United States, had been appointed envoy to London, and was now there, engaged in settling differences, one of which was about the surrender of the Western forts.

The coming in of more prizes with cargoes of flour reduced its market value, and on 28 August the 6d. loaf of fine wheaten flour was ordered to weigh 3 lb. 10 oz. avoirdupois; and a few days after a ship from Bourdeaux was brought in a prize, with cargo of wine and brandy, and two cargoes of provisions were received from Ireland. So our 'forbears' had no occasion to starve.

Symptoms of disaffection had recently appeared in Canada, which led to loyal associations there, intended to counteract them. Some restrictions on intercolonial trade ensued, which



Mr. Wentworth says arose 'from the hostile attitude of the' 'provinces, then rising towards revolt,' and thinks as the cause is removed the effect should cease. In September, reports were prevalent of a French fleet going into Boston. On this, active preparations began to put the harbor batteries in order, to co-operate with the navy to prevent the entrance and anchoring of hostile ships. The prince caused more guns to be mounted. Lieut. governor Wentworth tells Mr. Dundas that the rough nature of the country makes it 'almost, if not' 'entirely impossible to bring cannon from any places where' 'an enemy could effect a landing without the harbor, or to' 'march troops in any order, as the intermediate country is' 'everywhere a fortification for the inhabitants and army who' 'possess it, until they are reduced to the peninsula o. Hali-' 'fax.' "This province continues in great harmony, peace" "and good order, and that the crops of the present season far" "exceed any that have been known since the settlement of" "the province." (Detachments of militia were employed to assist in repair of the batteries, and were paid.)

The hon. Richard Bulkeley, judge of vice admiralty, decided on several of the cases of the 14 prizes taken by admiral Murray's squadron. In three cases, both vessels and cargoes were condemned as French. In eight cases, the cargoes were condemned and the vessels restored. In three cases, judgment was postponed. No less than 14 French privateers are said to have been at this period cruising off Guadaloupe. 23 September. The lieutenant governor and council granted admiral Murray leave to impress seamen for seven days. 27 Sept'r., arrived from New York the *Thetis*, frigate, hon. capt. Cochran. (This, I believe, was the heroic seaman, admiral earl of Dundonald.)

The destruction of Halifax was thought to be an object contemplated seriously by the French, who were daily strengthened and stimulated to attempt it by their partisans in the United States. Lieut. governor Wentworth considered our safety was owing to dissensions among the enemy themselves — to the failure of expected reinforcements, and their being apprized of the preparations and vigilance that existed here,

which left them no hope of succeeding by a sudden attack or by surprise. He writes to this effect, in November, to the duke of Portland; and as it appears Mr. Wentworth kept up a most extensive correspondence with the British consuls and other parties in the States, he had the best means of judging. He says the Royal Nova Scotia regiment had increased to 628 men. "Several boys, sons of officers, were respited by" "the muster-master general. It had been the practice in" "last war. The officers were from half pay, with large families." (Wednesday, 29 Oct. Dashwood, packet, 51 days from Falmouth.) Nov'r. 2. The birthday of prince Edward, being sunday, there was a salute from the citadel and a levée at government house. Monday, 3rd. A ball and supper there to gentlemen of army, navy and inhabitants. 300 cards of invitation were issued. Dancing till 3, A. M.,—canopy, artificial flowers, &c. Tuesday, 4th, the town was illuminated. Over the gate of government house was a crown, and the initials P. E., enclosed by a blaze of lights. In the central window of 'Prince Edward's hotel,' kept by Mr. Smith, (Hollis street, opposite the site of the bank of Nova Scotia), was exhibited a transparent likeness of H. R. H.

M. Danseville, late governor of St. Pierre and Miquelon, sent in a memorial, which governor Wentworth transmitted to the duke of Portland. 10 Dec'r. He sends copies of letter, from lord Dorchester and major-general Ogilvie, respecting this gentleman, and adds, that he behaves discreetly, and professes to be a royalist.

20 Dec'r. He writes again to the duke of Portland, recommending a paid militia staff, viz.: colonel Barclay, adjutant general, 24s. a day; 6s. per diem for a clerk; one brigade major, at 10s. a day, and 2s. 6d. for office stationary; one quarter master, 10s. pay and 5s. contingency, per diem; six drill serjeants, at 2s. a day pay and 2s. subsistence,—to be kept in constant pay. All the other officers and privates to be paid and subsisted only when embodied for actual service. Estimates the whole expence at £1600 sterling during the war. Embodying any number would cost £12,000 more.

The population of Halifax county at this time, as returned

officially by James Clarke, esq'r., high sheriff, was 8,961 inhabitants.

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## APPENDIX TO CHAPTER X.

### (1.)

Sedan chairs were advertised to stand for hire in Barrington street, January, 1794, (the same in 1793). Charges were 1s., 1s. 3d., 1s. 6d. From Irishtown to the careening yard, 2s. 6d. On Sunday, 1-8 of a dollar to church. To Dutch-town, 1s. Chairs stood in 1793 at the court-house.

### (2.)

A public examination of the Halifax grammar school is noticed, ending Friday, 24 June, 1794. The governor, general Ogilvie, the bishop, chief justice, trustees of the school, and many other gentlemen, attended. Greek, Latin, rhetoric, geography, &c., are named, and delivery of orations, &c.

### (3.)

Ten guineas bounty offered for recruits to 4th regiment; one guinea to him who brings a recruit. The recruit is also promised "cloathing, accoutrements, &c., fitting for a gentleman soldier."

### (4.)

"H. R. H. set out from Quebec, Jany. 22, 1794, when the ground was covered with snow to the depth of five feet, and arrived at Boston on the 6th February, the distance about 606 miles, three-fourths of which is an uncultivated wilderness.

The commodore on the Halifax station happening at this time to be on a cruise, the prince was disappointed of a frigate; but being determined to join the army in the West Indies before their intended service commenced, H. R. H. embarked at Boston February 15th, on board the *Roebeck*, packet, carrying only six guns; running the greatest hazard of being taken by the French cruizers, of which there were then several on the American coast. He was chased and fired at by a vessel — unknown; but had the good fortune to arrive safe at Martinique on the 3d of March."

"Immediately on his arrival before Martinique, the prince was invested with the command of above a *third* part of the British army, together with 1000 seamen, encamped at LaCote. In three days after his arrival, the first batteries were opened against Fort Bourbon, and during the siege, which lasted 11 days, H. R. H. contributed greatly towards the surrender of the place, by being constantly present, and giving orders for the construction of eight batteries, immediately under his own command."

"After the surrender of Martinique, H. R. H. embarked on board the *Quebec*, frigate, with the command of the brigade of Grenadiers, and some seamen, for the purpose of reducing the island of St Lucia ; which, through the most spirited and vigorous exertions, was effected by the troops under his command, together with the brigade of Light Infantry and seamen, commanded by major-general Dundas, who was a junior officer to the Prince. H. R. H. returned with the troops to Martinique, to get a few days of rest, after which he again embarked on board the *Veteran*, of 64 guns ; and with the same troops, strengthened with the 39th regiment, for the reduction of Guadaloupe. This was effected by rapid movements, and the use of the bayonet, in about 12 days, no cannon being employed, except by the enemy." "The reduction of the above islands was, by the commander-in-chief's orders, the finishing of the campaign. H. R. H., agreeably to those orders which he had received from lord Amherst, embarked on board the *Blanche*, frigate, April 30, for the purpose of returning to America, and arrived at Halifax May 10."

## ( 5. )

Married, at Preston, by the rev'd. Mr. Weeks, on monday, 22nd Sept'r., 1794, Stephen Hall Binney, esq'r., to miss Susanna Green, daughter of Francis Green, esq'r.

Died, at Cornwallis, 14 Sept'r., John Whidden, esq'r., one of the judges of the Court of Common Pleas in the county of King's.

Married, 15 Dec'r., by the right rev'd. the bishop of Nova Scotia, capt. Robert Murray, of H. M. S. *L'oiseau*, to miss Rebecca Halliburton, daughter of the hon. John Halliburton.

Died, 19 December, Mr. John Wisdom, aged 64 years.

Quebec, December 11. "His majesty has been pleased to appoint Jas. Monk, esq'r., his advocate and attorney general of Lower Canada, chief justice of the Court of King's bench at Montreal, also a member of the legislative and executive council of this province."

## ( 6. )

Halifax Theatre, 30 December.

By desire of H. R. H. Prince Edward.

The Mock Doctor, &c.

First boxes, 5s. ; second boxes, 4s. ; first pit, 3s. ; second pit, 2s.



## CHAPTER XI.

1795. Mr. Butler (John Butler Butler) having removed from this province, and now residing in England, Mr. Wentworth recommended his brother-in-law, Mr. Benning Wentworth, to the vacant seat in H. M. council. He asked permission to raise £2000 by a lottery for the use of the roads, alleging that the money would otherwise be spent in the United States lotteries. He also wrote in favor of the application of King's college at Windsor, considering it would prove useful as a seminary for the youth of these provinces, and those of the British West Indies. The education was cheap—the country healthy, and the principles of loyalty would be inculcated, while our youth risked their loss if sent to the schools in the United States.

In February, commodore George sailed for England, having received a complimentary address from the merchants of Halifax. (He was afterwards made an admiral and a baronet. He married a daughter of the hon. Thomas Cochran, of Halifax; and his son, Sir Rupert Denis George, the second and last baronet, was long secretary of this province, having succeeded his elder brother, Mr. Samuel Hood George, in that office.)

Prince Edward gave great encouragement to dramatic performances in Halifax. He attended them in person, and in many ways promoted their success. They appear to have got up a play about once a fortnight in the winter.

An English merchant captain, named Getshews, settled and

married here, commanded one of the vessels equipped by government to convey French prisoners from St. Pierre to Guernsey. He left the former place on the 12 August, 1794. On the passage the French soldiers often spoke freely of taking the vessel out of his hands. To this he paid little attention, expecting that when he got into the English channel he would meet some of our men-of-war to take his ship under convoy. However, he did not find one. On the 5 September he made the Gasket lights, on the French coast, only four leagues from Guernsey. He got round them on the 6th, and by midnight hauled up for his port, which he would have reached by day-break, but just then all the soldiers and many of the sailors (prisoners) came to him and insisted on going into St. Malo. His arguments were naturally unavailing, and the prisoners, without violence, took command of the vessel, treating the master and crew with every respect. On Sunday, 7th, the vessel was within a mile of Guernsey, and next day she anchored at St. Malo. His passengers did all they could to obtain his freedom on parole, but without success. He found eleven other British prizes there. The jailer and his wife were very kind to them, and his prisoner passengers frequently came to see him. The allowance per man was  $1\frac{1}{2}$  lb. flour,  $\frac{1}{2}$  lb. meat, and 13d. sterling in cash, paid every four days. He says: "This only allowed to the flag people, on" "which we might very well subsist, but that things are so" "enormously high,—bread not to be bought, butter 2s. 6d." "per lb., sugar 4s., meat 1s. 6d., soap 15s., and other things" "in proportion." (It would seem that there had not been an adequate guard placed on board the ship.) The information was received here in February, in a letter of captain Getschew, dated St. Malo, Sept'r. 20, 1794.—It was often the fate of our merchant captains and seamen to become prisoners to the French, in the last century. In the French West Indies sometimes a church was used as a prison; and I know an instance where the father was prisoner in one of those desecrated temples in the war between 1777 and 1783, and the son, who also followed the sea, was in prison in the same church in the war of 1793–1801.

The assembly met this year on thursday, 12 March, (7th general assembly, 3rd session.) Wentworth, lieutenant governor; Strange, chief justice and president of council; Thomas Barclay, speaker. Eleven acts passed,—one to authorize marriage by laymen under certain circumstances—a consolidated militia law, and a road lottery act to raise £2000, which was afterwards confirmed by the king's approval. Amelia Elizabeth Jennison, only daughter of the late chief justice Belcher, had received a pension from 1781 of £50 sterling *per annum*, until last session, when it was omitted from the estimate, and she petitioned now for its being continued to her, 18 March, but on 27th her claim was dismissed. The reason does not appear; but we may conclude that the government thought she was provided for by her marriage. The balance of indebtedness of the province was stated this session at £11,998 12s. 3½d. 13 April, monday, the assembly was prorogued.

The packet arrived from Falmouth 15 March, after a voyage of 59 days.

Thursday, 23 April. St. George's day was kept with flags displayed by the garrison and shipping; a levée at 1, P. M., at government house. At 5, P. M., a dinner was given by the English society, of which lieut. gov'r. Wentworth was president. The prince, the lieutenant governor, general Ogilvie, chief justice Strange, and other guests, were present. 140 persons were at table. Among the decorations were 60 variegated lamps, and the colors of the 1st battalion of the militia.

On the 7th April, prince Edward addressed a requisition to lieutenant governor Wentworth, for 600 of the militia to be embodied on the 1 May, to be employed in erecting and repairing the defences of Halifax—town and harbor. The lieutenant governor represented to H. R. H. that the month of May was the seed time of the inhabitants, and if they were drafted in the militia at that time, labor could not be procured in their stead. He deemed it impracticable to assemble them at Halifax until the end of May or beginning of June, and the militia law would not enable government to embody the same men for the whole time intended, unless as volunteers. He suggested

that 100 to 200 laborers might be earlier procured from the two militia regiments of Halifax. The militia of town and country furnished readily the number of men demanded, who worked steadily in June and July.

In June, a small vessel belonging to Halifax, and bound thither from Bahama, armed with 2 guns, and having a crew of 5 persons, having put into Boston, an outrageous assembly of men collected together, among whom were many French, and violently destroyed the cargo and the vessel. On the 28th of May, the *Thetis*, captain Cochrane, and the *Hussar*, captain Beresford, brought in the *Raison* and the *Prevoyante*, French prizes. *La Prevoyante* mounted 24 guns. The *Thetis* had 8 men killed.

Mr. Wentworth, the lieutenant governor, was now made a baronet; and on Sunday, 31 May, a levée was held at government house, numerous attended by the officers of the navy and gentlemen of the town. Prince Edward came with all the officers of the garrison. After paying their compliments to Sir John Wentworth, his Royal highness, with all the company, congratulated lady Wentworth in her drawing room.

On 5 June, his excellency William McArmick, lieutenant governor of Cape Breton, paid a visit to Halifax, coming here from Sydney in the government armed schooner, (earl of Moira?)

The fortress at Annapolis was much dilapidated; all the platforms were rotten and untenable. Sir John Wentworth applied to Prince Edward as commander-in-chief, stating that the Westernmost angle of the fort might be repaired for £120, Halifax currency, and the place would be then secure from any desultory or predatory enterprise. He recommended that Thomas Williams, captain of militia artillery and deputy commissary at Annapolis, should have charge of this repair. At this time there were in Halifax harbor the following ships of the Royal navy, viz: *Resolution*, *Cleopatra*, *Thetis*, *Hussar*, *L'Esperance*, *Argonaut*, *L'Oiseau*; and five of them sailed on 19 July, on a cruise, the *Resolution* and *Cleopatra* remaining in port.

Privateer cruisers sailing under French colors were now



making havoc of the merchant vessels of Nova Scotia. Four N. S. vessels and one of New Brunswick were taken. The vessels were, in most instances, burnt, and the masters and crews kept prisoners. One of these privateers was a low-sterned, small vessel, painted black, carrying no standing top-sail. She had two 3-pounders and 6 swivels on carriages, with 25 men. The doctor and the prize masters were Americans. She had been cruising off Shelburne. These French cruizers rendezvoused in the ports of the United States. The sloop Cumberland, Tufton, master, (of Nova Scotia), was taken by the French privateer Coquet, 6 guns. The captain was stripped of everything but the clothes he wore, and five passengers were taken to New London. Capt. Collins, of the Adamant, and capt. Tufton, with Mr. Dickson, of Halifax, were taken to Boston. The leaning of the Americans to the French interest was at this time very strong, and any unfortunate provincials who fell into the hands of French privateers were much worse treated at Boston than they would have been at St. Malo's or Brest. In fact, it was a courageous act for a Bostonian at that time to shew humanity to any British subject that was a captive to their French friends. 20 August, captains Marr and Tufton arrived from Boston. The schooner Adamant, owned by Mr. Collins, of Liverpool, N. S., taken by the French, was sold at Boston a few days after she was brought in, without even an advertisement. The Cumberland, captain Tufton's vessel, was sold at Rhode island in the same manner. The Coquet was chiefly manned by inhabitants of St. Pierre, N. F., having been fitted out at New York. Captain Tufton offered a libel against her, but the judge refused him any hearing. At Rhode island, the French national cockade was generally worn, and a bitter spirit shewn to British subjects.

25 August, tuesday. H. M. S. Thisbe, capt. Hardy, arrived here from New York. George Hammond, esquire, British ambassador to the United States, came in her as a passenger. He landed under salutes of cannon, and on the same day the Resolution, 74, with vice admiral Murray, sailed on a cruise. Saturday, 5 Sept'r., a small French privateer captured a sloop off the Tusket islands, and chased a schooner, which was on

her way to Jebogue. Mr. Gray, who commanded the schooner, ran her ashore, and gave the alarm to the militia of Yarmouth. Colonel Blanchard, and the men under his command, then began to fire on the privateersmen who were plundering the schooner, and drove them off. The schooner and sloop were both left behind ; the passengers in each had been pillaged of their money, watches, &c., and then set ashore.

Sir John Wentworth and his lady made a tour in the Western part of the province in September. On this occasion the following verses were published :

ON SEEING HIS EXCELLENCY SIR JOHN WENTWORTH PASSING THROUGH GRANVILLE, ON HIS WAY TO ANNAPOLIS.

When Tyrants travel, though in pompous state,  
Each eye beholds them with indignant hate ;  
Destroying angels thus are said to move  
The objects more of terror than of love ;  
For grandeur can't, unless with goodness join'd,  
Afford true pleasure to the virtuous mind.  
But when our loyal Wentworth deigns to ride,  
(The Sovereign's fav'rite and the subject's pride),  
Around his chariot crowding numbers throng,  
And hail his virtues as he moves along ;  
Such high respect shall be conferred on him  
The king delights to honor and esteem.  
Whose loyalty unshaken, spotless fame,  
And social virtues shall endear his name  
In every loyal bosom long to live,  
As our lov'd monarch's representative.

SENEX.

Upper Church, Granville, 15 Sept'r., 1795.

It seems that some of the population which had been removed from St. Pierre and Miquelon were still in Halifax, as lieutenant governor Wentworth, 25 October, writing to captain Lyman, commissary of naval prisoners, says he is convinced the minds of the St. Pierre and Miquelon people had been unsettled by the perfidious and indefatigable arts of the officers and others captured in the *Prevoyante* and *la Raison*, who were too generally about town, and in considerable numbers, even so late as the 23d and 24th instant, holding indecent language

in public. He says: "From these unworthy people, in my" "opinion, there is much more to be reasonably apprehended." "I therefore request that you will forthwith cause every" "Frenchman, of all and every sort and description under" "your care, to be removed out of this town into a place of" "confinement and security, and that none of them are hence-" "forth permitted to be at large on any pretence whatsoever" "within this province, which hath been too much suffered," "contrary to my repeated directions."

An epidemic fever, called putrid fever, prevailed in New York this autumn. The deaths there to 8 October were 556.

In November, Mr. Benning Wentworth was sworn in as a councillor, on a royal mandamus.

Sir John Wentworth established at this time a system of rotation in the militia service, whereby the prince had always a number of the men to assist in fortifications and buildings, those of the sea coasts relieving the people from the interior. The armed snow, *Earl of Moira*, in the provincial service, protected the coasting trade both of Nova Scotia and New Brunswick. Her master, Crosskill, was a skilled pilot, and as the vessel was of light draught he could chase privateers in shallow water.

The export of provisions of all kinds (fish excepted) was prohibited by proclamation, (5 November.)

Captain J. A. Jacobs, of Halifax, had been captured by the French in April, and subjected to very hard usage in Guadeloupe. Messrs. Lloyd, Ewing and Prior, masters of Halifax vessels, prisoners also in Guadeloupe, suffered extremely.

George Deschamps, esquire, of Windsor, removed to Philadelphia at this time, with his family. He was a son of the hon. Isaac Deschamps. His object was to establish a trade with this province for plaister of Paris. Sir John Wentworth says to Phineas Bond, esquire, the British consul at Philadelphia, in reference to the Deschamps: 'They are related to' 'me, and having always associated and been esteemed in the' 'first society of this country,' he asks Mr. Bond's countenance and protection for them.

APPENDIX TO CHAPTER XI.

( 1. )

Halifax Theatre. By the desire of H. R. H. prince Edward. Wednesday 13 Jan'y., 1795. Love à la Mode, and the Agreeable Surprise. No children in laps to be admitted.

( 2. )

H. R. H. prince Edward, major-general, K. G.—knight of St. Patrick—colonel of 7th Foot, or Royal Fusileers—commanding H. M. forces in Nova Scotia, &c., 21 Feb'y., 1795, offers free pardon to all deserters from regiments in this province and its dependencies, who shall surrender by 1 June next, who voluntarily enter the 4th, the 7th, or the Royal Nova Scotia regiment; not to extend to those who desert after 21st February.

(Countersigned)      FREDERICK AUGUSTUS WETHERALL,  
Military secretary.

( 3. )

The rev. Thomas Lloyd, missionary at Chester, set out to go through the woods from Chester to Windsor, in February, against the remonstrances of the people there, and perished through the inclemency of the season, within fifteen miles of Chester.

( 4. )

Jonathan Tremain, holder of 3 province notes, of 20s. each, dated in 1764 and 1765, bearing interest, petitioned the assembly for payment.

( 5. )

Died, at Shelburne, in the 49th year of his age, the rev. John H. Rowland, leaving a son, the rev. Thomas B. Rowland.

Married, 21 May, 1795, thursday evening, Mr. Robert Hill, to miss Elizabeth Cleveland, eldest daughter of Mr. John Cleveland, of this town, (Halifax.) She was afterwards the wife of Thos King, esq'r, of Retreat farm, Windsor.

*(Abridged from newspaper account.)*

Tuesday, 4 August. Died, at Wilmot, the hon. brigadier general Ruggles, a native of Massachusetts,—had been speaker of the assembly there. In the war of 1755 he commanded the Massachusetts troops—was approved by lord Amherst—was rewarded by the crown with office of Surveyor of the woods in that district. In 1774 he was appointed one of the (mandamus) councillors for Massachusetts. Took the Royal side in the Revolutionary disputes, and had to take shelter with the Royal army. At the peace, he removed to Nova Scotia, at the age of 74, and cultivated a new farm, with perseverance and success. He died, in the 86th year of his age, having, for much the greater part of his life, eat no animal food and drank no spirituous or fermented liquors, small beer excepted. Timothy and John Ruggles advertise as his executors, 24 December, 1795.



1795. August 22, saturday. Died, Mrs. Sarah Fillis, widow of John Fillis, esq'r., in her 75th year.

August 29. Died, Mrs. Jean Allan, widow of William Allan, esq'r., in her 78th year.

( 6. )

The North or Yellow Barracks are mentioned.

( 7. )

600 ounces of gold, taken in the privateer sloop Republican, advertised for sale by Charles Hill, at Prince Edward's hotel.

( 8. )

Samuel Scott advertises a Mathematical School, at his house 'in that street' leading to the Yellow barracks, and leading to the chief justice's. 6 to 9, P. M.

( 9. )

[*Lieut. governor Wentworth to H. R. H. prince Edward.*]

Halifax, 16 Nov'r., 1795.

States apprehensions of a scarcity of bread during the winter, in this town.  
 "The wheat harvest, tho' good, was considerably diminished by the Hessian fly.  
 "An embargo upon the export of grain from Canada, not only prevented a supply, provided for the use of our inhabitants, but also of a quantity for H. M. fleet on this station, whereby 100 tons of Flour is taken from our stock to enable H. M. ships to proceed to sea. Added to these, the unlimited quantities of corn purchasing in the United States of America at enormous prices afford us hopes of but little relief from thence." "Hence it becomes prudent to consider every means that remain. Among these it has occurred to me humbly to submit it to your Royal highness that a considerable benefit might be derived from a discontinuance of the use of hair powder from the non-commissioned officers and private soldiers in this province."

( 10. )

Ad celsissimum principem Edvardum, auratae periscelidis, nec non Sti. Patri-  
 cii, equitem, &c. :—

Avolet longe Boreas, et omnis  
 Ventus immitis ; fugiat que retro  
 Nix ; et impellens Hyemem severum  
     Horridus imber.  
 Splendeat solis, sine nube, lumen,  
 Ut dies clarus redeat nitensque.  
 Qui tuum princeps deamiate, nobis  
     Edidit ortum.  
 Quid prius laudem dubito : Timoris  
 Nescium pectus ; patrias an artes,  
 Utiles paci ; proprios ve mores  
     Principe dignos.

Tu, tenax aequi, cohibes superbos :  
Tu verecundiam merito favore  
Rite virtutem colis ; evehisque  
Semper honore.  
Te trement Galli rabie furentes :  
Utque commotum subito leonem  
Territus vitat canis, irruentem  
Dente timendo.  
Impiae sic te fugiunt catervae  
Tecta vastantem madida cruore  
Civium ; et tandem debito rependunt  
Sanguine poenas.  
Gloriam dum tu sequeris decoram,  
Intonet quanquam trepidus tumultus,  
Te nihil terret, mediaque morte  
Tendis ad hostes.  
Perge, tutamen solii paterni ;  
Perge, quo virtus tua te vocavit.  
Floreas nostrum decus et columna ;  
Sisque beatus.  
Floreas, postquam tuus hic poeta  
Ultimâ terrae requiêrit orâ ;  
Floreas, postquam dederit silenti.  
Ossa sepulchro.

HIBERNICUS.

Prid. Cal. Novem., A. D. 1795.

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(I have endeavored to imitate rather than translate the above.)

To the most lofty prince Edward, knight of the garter, of St. Patrick, &c. :—

Fly Boreas hence, harsh winds begone,  
Let snows and rains retreat,  
Cold winter cease to chill our frames  
With frost, and ice, and sleet.  
Shine Phœbus forth with all thy rays,  
No clouds should dim thy light ;  
Let our loved prince's natal day  
Be joyous, clear and bright.  
What I shall first begin to praise  
In thee, I doubtful feel,  
Thy manly breast that knows not fear,  
Impell'd by noble zeal,  
The peaceful virtues all derived  
From thy illustrious sire,  
Thy manners worthy of a prince  
That love and awe inspire.

See Edward by stern justice swayed,  
Restrains the proud from ill,  
While modest merit wins its way  
To his best favors still.  
The French, all furious in their rage,  
Have trembled at thy sight,  
As runs the dog in terror at  
The angry Lion's might.  
So fled their impious bands in haste  
When thou, both great and good,  
Lay waste the roofs they had defiled  
With their own people's blood.  
And thus the death they met at length  
While weltering in their gore,  
Was retribution meet for crimes  
All unatoned before.  
While on the path of glory thou  
To meet the foe art bound,  
Unshaken by the storms of war  
Where death is rifest found.  
Thou bulwark of thy father's throne—  
Our buttress and our pride,  
Go where thy native courage leads  
All blessings thee betide.  
And when thy humble poet shall  
A resting place attain,  
On the last verge of this our earth  
Nor more feel earthly pain.  
And after he bequeaths his bone  
Unto the silent tomb,  
Long may you flourish, darling prince,  
In honor's brightest bloom.

## CHAPTER XII.

1796. The assembly met on thursday, 3 March. Sir John Wentworth, in his opening speech, notices the general prosperity of the province—suggests the removal of taxes to some extent, as the public debt had been reduced—the erection of public buildings—improvement of roads and bridges, and encouragement of agriculture; alludes also to the high price of bread. In the reply of the house, the dearness of grain throughout America is mentioned. The capitation had produced in the year past £717 16s. 2d. The balance against the province is stated at £2082 16s. 7d. 18 acts were passed in this session, among which was one for drawing juries from a box in which each name returned by the sheriff as qualified should be written on a piece of paper; another to incorporate Jonathan Tremain, and others, who had projected a bridge of boats from Black rock, on the Dartmouth shore, to the Naval hospital, to cross Halifax harbor, leaving a drawbridge for passage of vessels, boats, &c.; an act for fixing the assize of bread, which continued in force to recent times; an act for sinking public wells, and an act to encourage the killing of wolves, bears, loup cerviers and wild cats, by rewards, which was continued until 1804. The assembly was prorogued on 11th April.

In March, Mr. Ewing reached Halifax, after a tedious captivity in Guadaloupe.

Sir John Wentworth writes to the earl of Portland, 17 April. He speaks of the harmony with which the session of the assembly, beginning 3d March and prorogued 11th April, had



been conducted. He says his opening and closing speeches include the general business. "The supplies were cheerfully granted, and the revenue acts continued nearly as last year, and I trust will be productive, altho' many of the vessels in the West India trade have been captured, and will thereby in some degree lessen that service." Refers to the high prices of flour, but says, "thro' the aid of messrs. Hartshorne and Tremain, who have the only extensive manufacture of that article in this province, we have hitherto kept the price below that at Philadelphia or New York, and have secured a quantity sufficient to prevent any distress to the inhabitants, to the fisheries or to the other navigation, until relief may arise from the ensuing crops, for the increase of which far greater preparations are making throughout the province than hath hitherto been done." Speaks of the "length and intenseness of the winter," and high price of fuel. Had to aid the Miquelon French, "to preserve them from suffering." Their industry, sobriety, and regular, decent deportment, fully "justifying their relief." The Royal charity to the Indians has saved 300 "from the extremest misery." Some families of them, whom he has supplied with tools and seed, are attending to agriculture.

St. George's day, 23 April, (saturday), was kept with great honors. A levée was kept at government house—flags of citadel and shipping hoisted. At 5, P. M., a dinner of the English society took place. Prince Edward, Sir J. Wentworth, general Ogilvie, chief justice Strange, and the field officers of the garrison, were led to a table under a canopy. When the prince left, the standard was hoisted, and a salute fired by the Royal artillery. Toasts and loyal songs formed part of the entertainment.

26 April. Sir J. Wentworth congratulates Mr. Barclay on his appointment as British commissioner for settling the boundary line with the United States on the side of Passamaquoddy.

21 May. Sir J. Wentworth, writing to the under secretary of state, Mr. King, describes the French Acadians as being of loyal and virtuous habits, and in feeling as wholly British sub-

jects, and entirely changed from their former sentiments. He says: "It is no small comfort to me, that this change has" "taken place during my administration, and that they are" "now among the most faithful and happy subjects of his" "majesty." A large ship bound from France to New York had been sent in (as prize probably), in which were 40 French emigrants, royalists, in extreme poverty, and some Irish. He says: "Here they *must* soon be loyal, because we have no" "other fashion among us, and full comfort, employment and" "plenty under that denomination, insomuch that disloyalty" "will less thrive here than, it is said, noxious reptiles do in" "Ireland." He asks for a French priest, on request of the Acadians.

The 4 June, the king's birth day, was celebrated this year with much *éclat*. The Royal standard was displayed. The garrison fired salutes at noon on the parade, which were repeated by the ships of war and batteries; and the militia artillery, under captain Tremain. saluted in front of government house. Levées were held at Sir John Wentworth's and vice admiral Murray's, who entertained the officers, civil and military, afterwards. The prince Edward was at Sir John's party. In the evening government house was illuminated. At the British tavern 60 or 70 chief merchants, and others, at 5, P. M. had a dinner on the occasion.

The *Thetis*, captain Cochrane, sailed on a cruise 21 June.

In the island of Jamaica, when it was conquered from the Spaniards in the 17th century, numbers of African slaves had left the plantations and taken their abode in the mountains. There they remained in a state of wild freedom, and were known by the name of Maroons. They made treaties with the English authorities from time to time; but about this period a war took place between the English and these people, in which the Maroons were defeated, and a great number of them were transported from the island to Nova Scotia. 500 of these arrived at Halifax on the 22d July, 1796. On the 25th, the prince engaged to employ such of them as would volunteer, as laborers on the fortifications at Halifax, and to pay them each 9d. a day, besides provisions, lodging and clothing. — Messrs.

William Dawes Quarrel and Alexander Ochterlony, agents of the Jamaica assembly, arrived with the Maroons. Sir J. Wentworth, after informing the duke of Portland of the arrival of the Maroons, (23 July), proceeds thus : " The French inhabitants from Miquelon, alarmed by continual denunciations, " and fearing the cruellest punishments, should they here- " after fall into the hands of their countrymen, have requested to return to France in a cartel ship, expected here in " the course of next month to carry naval prisoners, which I " have consented to, as their usefulness can no longer be " relied upon, and their passage is to be provided by the " French consul at Philadelphia." Regrets their removal, as they were useful in the fisheries and in fitting out vessels for merchants.

Captain Jones Fawson, of the R. N. S. regiment, was now appointed to command the provincial snow, *earl of Moira*, Crosskill, who had been her commander, holding no navy rank, although an excellent officer, and Fawson having been a navy officer. The *Moira* had been used to convoy transports to Miramichi and Quebec, and fishing vessels from Labrador.

The chief justice, Thomas Andrew Strange, being about to go to England, the grand jury of Halifax addressed him with expressions of esteem and attachment. This address was signed by Richard Kidston, foreman, William Forsyth, Jonathan Tremain, George Grassie, William Lyon, Robert Lyon, John Howe, Joseph Davis, Hugh Kelly, Thos. Fillis, Francis Stevens, Jacob Miller, James Ewing, Joseph Anderson, George Bell, James Creighton, Edward Kerby, William Williams, John Bremner, William Lawlor, James Cochran. On the 25 July, chief justice Strange sailed for Falmouth in the *Princess Royal* packet, captain Skinner.

The agents, Quarrel and Ochterlony, were appointed by lord Balcarras as principal and deputy commissaries, and had a credit of £25,000, Jamaica currency, for their use. The Maroons were first quartered about two miles from Halifax, and several estates (in Preston) within five miles of the town, comprising above 3000 acres, were purchased for their settlement. The cost of the land and the buildings required were

estimated at £3000 sterling, the title of which was vested in the government of Jamaica. Sir John Wentworth suggested the escheat of a tract of 16,000 or 18,000 acres, about four miles further, in order to grant it for the use of the Maroons. He asks for an annual grant of £240, to be applied in religious instruction, and in a school, for their benefit. He says it "would reclaim them to the church of England, and disseminate Christian piety, morality and loyalty among them." He sends an order to England for many things they require, among which are "40 gross coat and 60 gross vest white" "metal buttons, strong; Device—An alligator holding wheat" "ears and an olive branch; Inscription—Jamaica to the" "Maroons, 1796." Sir John describes these people as healthy, peaceable, orderly and inoffensive, and highly delighted with the country. "About 50 of them slept in my outhouse at" "the farm, where I am often without a sentry, or even locking a door or window." He expected to have them comfortably settled in Preston in the autumn, and is satisfied that they will be healthy and prosper in this climate, as they will have plenty of food, raiment and fuel.

The 12 August, birth day of the prince of Wales, was kept with parades, salutes, and all the military pomp possible, by garrison, militia and navy; and a banquet at government house, at which the prince Edward, the army and navy officers and chief gentlemen of the town were guests of Sir John Wentworth, concluded the festival.

This summer the *Active*, frigate, with lord Dorchester and family on board, was shipwrecked on the island of Anticosti. The ship was lost, but all the people were saved. Lord D. and family got to Percé, a fishing village in the gulf of St. Lawrence. His lordship and family arrived at Halifax on the 15 August, passengers in the provincial vessel the earl of Moira. 30th, they sailed in the *Dover*, for England.

5 September, a French squadron of five or six sail of the line, with three frigates and a corvette, said to be under admiral Richery, made a descent at the bay of Bulls, Newfoundland. They destroyed the settlement, capturing vessels, plundering, taking off men, cattle and other property, and devastated the



fishing establishments in the vicinity. They landed 2000 men in three hours in the bay of Bulls. They sent vessels to destroy Sydney, C. B., which ships suffered from a storm, and did not reach their destination. They also burnt the church and government house at St. Pierre, which had been left standing.

The cultivation of flax attracted attention. We find two merchants here offering high prices for flax seed.

Halifax was visited this season by the U. S. commissioner and agent for the boundary at St. Croix—by Samuel Webber, professor of astronomy at Cambridge, (U. S. ?) and other Americans. Several prizes came in—one a 40-gun French frigate; and *La Raison*, 24, captain J. P. Beresford, who had successfully beat off a superior French ship, supposed to be a vessel of the line, arrived on sunday, 11th September.—On tuesday, the 13th, lady Wentworth gave a ball and supper at government house, to capt. Beresford, in honor of his brilliant action. Most of the ladies and gentlemen of the town were invited, and the officers of the navy and army. As a compliment to the captain, all the ladies wore navy blue cockades, and many had on *bandeaux* and ornaments of blue, on which his name was inscribed in gold letters. Splendor and taste were predominant, and gayety reigned supreme. The merry dance was not deserted till the small hours of morning came on.

Sir John Wentworth to the duke of Portland, 20 September, 1796. He states the Maroons are all settled in comfortable, good houses. "They are remarkably clean in their persons, "houses, cloathing and utensils, and very healthy." Provisions are weekly served to them. They are expert in cutting wood, and are providing the winter's fuel. Proper clothing is getting ready. He met and inspected and addressed them on the 10th September. Describes a kind of court held by the two commissaries, in presence of at least 3 Maroon captains, to try for small offences. Has appointed Benjamin Gerrish Gray to be their chaplain and teacher, with an assistant. Mr. Gray is to be ordained next sunday by the bishop of Nova Scotia. He had a good education in England—is amiable, discreet, patient, &c. "The shell of a large house, nearly cen-

“tral in the settlement, is to be fitted up for a chapel, and the  
“2d sunday in October I shall open the church by attending  
“divine service therein.” “In the correspondence inclosed to  
“me, I find some few Maroons remarked for less favorable  
“consideration. This might have been expedient had they  
“remained in Jamaica, but would not be advisable here. I  
“have conversed with these and others, the best informed and  
“most sensible among them, and cannot discern any malice or  
“revenge in their sentiments,—that they, in fact, regretted  
“the war, and thought themselves pursuing self-preservation  
“only. In these communications they mention the Spanish  
“dogs, as objects of terror, from the wonderful representations  
“of them, but that they had never suffered by, or even seen  
“them ; indeed, I rather think they are ashamed at having  
“been frightened by them, and that they would now be es-  
“teemed a ridiculous scarecrow.” He highly recommends  
Quarrel and Ochterlony. Of the Maroons, he says “they  
“express to me no other anxiety than their fears to be remo-  
“ved.” “Nothing would create such distress as to carry them  
“to Sierra Leone, nor could they be prevailed upon by any  
“person now to return to Jamaica.”

Sir John Wentworth having received intelligence which led to apprehension of some attempt on Halifax by the French forces now at Newfoundland, he sent expresses by sea and land to vice admiral Murray, and to the governors of New Brunswick, Cape Breton, &c. He writes, 24 Sept'r., on this subject, to the duke of Portland. The prince, Edward, has brought the harbor defences into good order, and fully relies on the militia, Maroons and Indians, and Sir John repeats his former statement as to the impossibility of a hostile force making its way to Halifax from the out-harbors.

October 3. The commissioners under the 3rd article of the treaty of commerce, made by Great Britain and the United States, met at St. Andrews. They appointed hon. Edward Winslow, of New Brunswick, their secretary ; and after some business, adjourned to 2d tuesday of August next, then to meet at Boston. The English agent claimed the river Scoudic, as the boundary—the American, the river Magaquadavie. (The

former was eventually adopted.) Oct'r. 31, a man convicted of forgery, was sentenced by the Supreme court to stand one hour in the pillory, and have one of his ears cut off, and this was carried into effect. Great sympathy was evinced at this time in the United States with the republicans of France. At New York, on learning of a victory gained by the French over the Austrians, the city bells were rung for joy.

Brook Watson was this autumn elected lord mayor of London. He had been, when a boy, in Cumberland, N. S. He lived with Mr. Huston in the time of the old French war, and tradition tells us he would cross the Missiquash to bring back Huston's cattle, who had wandered to the French side. The soldiers at Beauséjour used to fire at any English who crossed, but spared the lad on account of his youth and daring. He took a fancy to the sea, and came to Halifax, where he embarked for the West Indies. At Havanna his leg was bit off by a shark. Reluctantly quitting his sea-faring life, he went to London, and there began to buy and sell on the humblest possible scale, rising by degrees to a high position in that great city. He dealt with the provinces, supplying them with British goods, and revisited Halifax, where he always had factors. He was appointed agent for the province in 1784. He evinced grateful remembrance of early benefits, corresponding with Mr. Huston. He was afterwards knighted.

James Michael Freke Bulkeley, son of the hon. Richard Bulkeley, had become secretary of the province in place of his father, now worn down with age and infirmity. He did not hold the office very long. He died 12th Nov'r., 1796, in his 35th year. He was esteemed highly by all classes. Kind and affable—humane and loyal, he was much regretted. The governor and council—the staff of the garrison—the Irish society, and many citizens, attended his remains to the grave. Sir John Wentworth appointed his brother-in-law, Benning Wentworth, secretary, who was sworn into office 14 November, and James Gautier deputy clerk of council; Mr. Putnam, marshal of vice admiralty court; and recommended Michael Wallace to be treasurer, stating him to be 'respectable, loyal,' 'qualified, &c.'

17 November. A memorial from the elders of the Presbyterian church in Halifax, praying the continuance of a salary to their pastor, Mr. Gray, was recommended by Sir J. Wentworth.

The last accounts received at Halifax of the French fleet were, that they sailed from St. Pierre's on the night of the 10 October. They had been there three days, employed night and day in watering. Before their departure, they burnt all the houses that remained in the settlement.

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## APPENDIX TO CHAPTER XII.

### ( 1. )

1796. Governor of Upper Canada, Lower Canada, New Brunswick and Nova Scotia—Lord Dorchester, K. B.

Lieut. Governors : Upper Canada—J. Graves Simcoe, esq'r.  
 Lower Canada—M. Gen'l. Alured Clarke.  
 New Brunswick—Hon. Thos. Carleton.  
 Nova Scotia—Sir John Wentworth, bt.  
 St. John's island—Edward Fanning, esq'r.  
 Cape Breton—W. McCormick, esq'r.  
 Jamaica—Earl of Balcarras.

Nova Scotia : Bishop—Right Rev. Charles Inglis, D. D.  
 Chief Justice—T. A. Strange, esq'r.  
 2d Judge—Isaac Deschamps, esq'r.  
 3d Judge—James Brenton, esq'r.  
 Attorney General—S. S. Blowers.  
 Solicitor General—R. J. Uniacke.  
 Prothonotary and Clerk of the Crown—Wm. Thomson, esq'r.  
 Sec'y., Reg'r., and Clerk of Council—J. M. F. Bulkeley, esq'r.  
 Treasurer—B. Green, jun'r., esq'r.  
 Chief Surveyor—C. Morris, esq'r.  
 Naval Officer— — Tonge, esq'r.  
 Collector of Customs—Henry Newton, esq'r.  
 Controller—John Slater, esq'r.  
 Surveyor and Searcher—John Newton, esq'r.

### ( 2. )

Memorandum of a journal kept by way of curiosity by Mr. Willirm Fletcher, inhabitant at New Bridge, Cobequid road, Shubenacadie :—



Of the number of fat cattle drove to Halifax market from the 1st January, 1795, to the 1st January, 1796 : Fat cattle, 786 ; cows and calves, 30 ; hogs and sheep without number. Also three tons of butter, since 20th January to 1st March ; poultry, meat, &c.

## ( 3. )

By a notice signed by J. Peters, postmaster, 28 March, it appears " the post " messengers will shortly be put on horseback, and will take the mails from the " respective offices of Halifax and Annapolis on every Monday as usual,, at such " time that they may proceed 15 or 20 milcs on the road that same evening." Letters were to be sent to the offices on Monday, by 5, P. M. This regulation to begin at Annapolis 11th April, and at Halifax 13th April, and to continue through the year.

## ( 4. )

17 March, 1796. St. Patrick's Day. A levée was held at Government house. About 5, P. M., the Irish Society's dinner took place at Gallagher's. H. R. H. Prince Edward, Sir John Wentworth, several members of the Council, the Speaker, and several members of the House, attended as guests. At 8 o'clock, H. R. H., the governor, and principal characters, retired.

## ( 5. )

Married, in January last, in London, the hon. Alexander Brymer, paymaster of H. M. forces in this garrison, to Mrs. Catherine Dobson, daughter of his Excellency John Parr, esq'r., deceased, and relict of the late captain Dobson, of H. M. 20th regiment.

## ( 6. )

Advertised for, May 6, 1796, for public works of Royal Engineer department : Ton timber, 400 tons ; Ranging timber, 41,500 feet ; Inch pine boards, 346,000 feet ; Two-inch ditto, 200,000 feet ; Three-inch pine boards, 48,000 feet ; Weather boards, 21,500 feet ; Laths, 82,000 feet ; Bricks, 155,000 ; Lime, 85 hogsheads ; Stones, 2,800 loads ; Hair, 90 bushels ; Oak plank, 3,000 feet ; Birch plank, 4,000 feet ; Sleepers, 50 ; Eight-feet pickets, 5,000 ; Clapboards, 30,000 ; Shingles, 40,000. June 4. 5,000 fourteen-feet pickets.

## ( 7. )

*Lieut. Governor Sir J. Wentworth to Colonel John Stuart, Lieut. Colonel Thomas Cutler, and Major William Nixon, Manchester.*

Halifax, 30 December, 1796.

He authorises them to buy, and distribute among the Indians in their vicinity, 200 bushels potatoes and 20 barrels herrings.

" By the schooner *Friendship* I send you 50 lbs. gunpowder, 100 wt. shot, 100 lbs. lead, 200 flints, 100 yards baize, 20 blankets, 20 shirts, 20 coats and 20 trousers, 30 jackets or under vests, 20 yards blue cloth and 20 bbls. flour, all which I beg you to distribute among the Indians." States that he expects them " to be faithful to the king, and to take arms with us in case of an invasion. All

“ those that are in this district have so engaged. The women and children are all to encamp on an island in the Bason, and receive rations, while the men assist in defending the country according to their own manner, and not attached to any regiment. Major Monk will command them. If any man refuses this just testimony of loyalty and love of his country, whether Indian, Acadian, British or Blackman, let him depart to Old France, whither I will certainly send him, when his recusance is established.” Sir John had drawn for £500 on the British government, for relief of the Indians.

( 8. )

*From the European Magazine, London, 1803, (reviewing R. C. Dallas' history of the Maroons in 2 vols.)*

*Extracts from Dallas, v. 2, letter 9.*

“ Neither the energy and determined activity of Lord Balcarres, nor the skill, bravery and successes of General Walpole, seemed to avail in the Maroon war. The whole range of *Cockpits* was open to the enemy ; if annoyed in one, they chose another ; and the contest had all the appearance of being an endless evil. or rather one that threatened the entire destruction of the Island ; for had this body of Maroons evinced that their rebellion was not a temporary struggle, but a permanent and successful opposition to Government, it is highly probable that the example might in time have united all the turbulent spirits among the slaves in a similar experiment, if not in the same interest ; or indeed such a decided triumph might have tempted numbers of the plantation negroes, unwilling before to change a state of peace for warfare, to join the Maroons ; at all events, they would have been a rallying point for every discontented slave, and for all who, dreading punishment, were incited by their fears to escape. The lives of the Colonists must have been spent in continual terror ; massacres and depredation would have spread throughout the country ; and all the credit of the Island in Great Britain would have sunk to nothing. To complete this miserable picture, the foreign enemy, when fully assured of the state of the colony, would, though unable to make a descent, have kept the coasts in constant alarm, and found means to maintain the spirit of rebellion, and perhaps to supply the rebels with arms.”

It seems that colonel Quarrel, having heard of the use the Spaniards had made of Cuba bloodhounds in their contest with the Indians on the Musquito shore, adopted the idea of employing them against the Maroons.

“ Colonel Quarrell offered to take the business upon himself, provided he were furnished with a vessel, and a letter from the Governor of Jamaica to the Spanish Governor at the *Havanna*, requesting permission for him to purchase dogs. The Government, having taken the offer into consideration, acceded to the proposal ; a schooner, called the *Mercury*, carrying twelve guns, was sent down to Blue Fields, an open road at the western extremity of Jamaica, and a letter was transmitted to the Colonel, addressed to *Don Luis de las Casas*. Governor of the *Havanna*, recommending the bearer of it to his attentions, as a commissioner for the purposes mentioned in it, and likewise as a member of the Legislature, and a lieutenant colonel of the troops.”

“ The assembly were not unapprised that the calling in such auxiliaries, and using the canine species against human beings, would give rise to much animad-

version in England ; and that the horrible enormities of the Spaniards in the conquest of America would be brought again to remembrance. The dogs were no sooner landed, than they struck a terror into the minds of all the black inhabitants of the Island ; and even many of the white people shuddered on beholding the ferocity of these animals, who were exercised, by way of experiment, under a volley of musquetry, to ascertain what effect would be produced on them by a fire of the Maroons. Some of the dogs, maddened by the shout of attack while held back by the ropes, seized on the stocks of the guns in the hands of their keepers, and tore pieces out of them. Their impetuosity was so great on their march to the rendezvous where they met General Walpole, the commander-in-chief of the Forces acting against the Maroons, 'that they were with difficulty stopped before they reached the General, who found it necessary to go into the chaise from which he had alighted ; and if the greatest exertions had not been made to stop them, they would certainly have seized upon his horses. The Negroes on the different estates through which they passed left their work, and fled in every direction.' And the *desperate* Maroons, whose rebellion, it is asserted, menaced the total ruin of the Island, were no sooner informed of the approach of these new auxiliaries to the British troops, than they offered to surrender ; and we defy any impartial person to peruse the narrative of this transaction, without perceiving that the importation of a few dogs, as at first proposed by the Spaniards, would have brought the war to the same happy termination. The following simple articles of peace, entered into on the 21st of December, 1795, were considered as a Treaty. The proposals were made by the Maroons, and granted by General Walpole.

1st. "That they would on their knees beg his Majesty's pardon. 2d. That they would go to the Old Town, Montego Bay, or any other place that might be pointed out, and would settle on whatever lands the Governor, Council and Assembly might think proper to allot. 3d. That they would give up all run-aways ;" that is, negro slaves who had left their masters and joined them. To these articles General Walpole was under the necessity of adding another, which was a secret one, promising that the Maroons should not be sent off the Island ; and he was obliged to accede on his oath." And was not this condition clearly implied in the second article, wherein it is stipulated that they should retire to the Old Town, &c.? How could this take place, if they were to be exiled to Nova Scotia? Yet the Assembly violated this treaty, and sent them to Halifax ; the feelings of General Walpole were wounded, and with becoming dignity he refused the sword which the assembly voted him for his signal services in terminating the war." (The sword was to cost 500 guineas.)

Quarrel had two voyages, first to Cuba to obtain the dogs, and secondly to Halifax as Commissary appointed by the lieutenant governor to conduct and settle the exiled Maroons.

The Assembly of Jamaica expended £41,000, Jamaica currency, in transporting and settling them in Preston. Subsequently Sir John Wentworth applied to the government of Jamaica to contribute funds for their maintenance until they could support themselves.

"On this subject a new and disagreeable contest arose between the Governor of Nova Scotia, the Assembly of Jamaica, and the Ministry in England. His Grace the Duke of Portland, Secretary of State for the Colonies, supported the demand of Sir John Wentworth, and declared it to be the expectation of Govern-

ment at home, that the Island of Jamaica was bound to repay the expences the Governor of Nova Scotia should incur for the Maroons. The Legislature of Jamaica would not submit to this decision; and during this altercation between the two Colonies, a misunderstanding which took place between Sir John Wentworth and Colonel Quarrel, obliged the latter to resign his Commissaryship, and return to Jamaica. But resentment having influenced the Colonel to take some measures before his departure, which were considered by the Governor as tending to render the Maroons discontented with their situation, and troublesome to him, he transmitted charges against the Commissary to the Government of Jamaica; they were examined by a Committee of the House of Assembly, by whom he was fully acquitted, and a remuneration was voted him for his acknowledged services to the island of Jamaica."

The Maroons arrived at Halifax in July, 1796. In 1799 they had become discontented, and were a dead weight upon his Majesty's Government, and it was resolved to transport them once more to *Sierra Leone*, the new British colony in Africa, thither they were accordingly sent, by an agreement with the Sierra Leone Company in London, embarking in August, 1800.



## CHAPTER XIII.

1797. Captain Cochrane, (afterwards the celebrated lord Cochrane and earl of Dundonald), was still on this station. His lady and family came here in his ship the *Thetis*, in November, 1796. 11 January, 1797, captain Prevost, of the Royal fusileers, arrived here from Boston,—I suppose the same officer who afterwards was governor at Halifax, subsequently in Canada, as Sir George Prevost. On 7 February colonel Wetherall came here in a schooner from New York, having been long a prisoner at Guadaloupe.

The winter of 1796–1797 was rigorous, and the season was more backward in the spring than had been known since Halifax was settled in 1749. This unusually severe weather made the Maroons discontented, and desirous to remove. They had also become possessed by an idea of being sent as soldiers to the cape of Good Hope and to India, and being allowed to take their wives and children with them. They said : “ Give us arms and ammunition, and put us on shore ” “ there, and we will make room for ourselves.” That is, as Sir John Wentworth says, they would murder and plunder all the inhabitants, if they could only live in the woods all the year round. They still attended public worship on sundays, and sought instructions from the clergyman ; and their children attended school with constancy. He had persuaded them to give this country another year’s trial.

The duke of Portland had recommended that 600 militia should be embodied to do garrison duty at Halifax until

November ; and Sir John, in a letter of 3 June, promises to carry out this proposal.

It was not unusual in this province for a son to be appointed to succeed his father in his public offices, and in some instances arrangements were made to confer the office on one of the family before the death of its head. This practice existed in the early part of the present century. There can be no doubt that in some cases it was justified, but as a practice it is open to many and serious objections. One of these arrangements occurred in the provincial secretary's place, long held by the hon'ble. Richard Bulkeley, transferred to his son J. M. Freke Bulkeley, and on his death given to Mr. Benning Wentworth, as will be seen by the following extract :—

Lieutenant governor Sir John Wentworth to the duke of Portland :

Halifax, N. Scotia, 3 June, 1797.

“ Upon the death of the late secretary, I caused £200 sterling to be secured to Mr. Bulkeley, the father, during his life. With this allotment he declared himself perfectly satisfied and contented. The whole income was paid to him until 1st June, 1797, and the annuity was to commence from that time. The agreement made with his late son resulted from family convenience. The latter had his living, with his servants and horses, given by the father, and a bargain was also included by which the wife of the elder Mr. Bulkeley resigned her right of dower in the estate to the late secretary, who therefore had a beneficial consideration daily accruing, in his maintenance, and was to succeed to all that remained, whence in reality he paid less than £200 per annum. It also will happen that if all the emoluments are paid to him, that the person who succeeds to the office must perform all the duties, which are laborious, not only without any compensation but at some certain expense, and it may be for several years to come, as the old gentleman is now in better bodily health and spirits than for several years past. He still enjoys the offices of Judge of Admiralty and Commissioner of Escheats, which, with the proposed annuity, will afford a decent and comfortable support, if it should be approved so to be recommended.”

The assembly met on tuesday, 6 June. Mr. Newton was president of council—Mr. Barclay speaker. Lieut. governor Wentworth, in his opening speech, says: "Gentlemen of the " "council and gentlemen of the house of assembly: It affords " "me pleasure to meet you in general assembly, not only be- " "cause it brings into active operation the several powers of " "our mixed and well-tempered government, but as it furnish- " "es the constitutional means of investigating the wants and " "resources of the country, and amplifying and securing the " "happiness of H. M. subjects in this province. While we " "deplore the destructive effects, in various other countries, " "of the severe but necessary war, in which his majesty is yet " "engaged with a cruel and revengeful enemy, we cannot be " "too thankful for the protection we receive, and the exemp- " "tion we enjoy from its ravages, throughout this province.—" "To preserve these blessings, it is requisite we should be at " "all times prepared to resist, with a determined and united " "energy, every attempt which may be concerted to molest " "us; and I trust that the military and naval force, which the " "provident care of our beloved sovereign affords us, aided " "by the spirit and resolution of the people, will prove suffi- " "cient to repel any attack which the enemy may have in " "contemplation and be able to make in this quarter of H. M. " "dominions." He then speaks of the reduction of the province debt—extension of agriculture and fisheries, and the repair and making roads and bridges.

Messrs. Sterns, Wallace and Stuart, were the committee to draw the reply of the house.

Rev. Robert Stanser, the rector of St. Paul's, the successor of Mr. Breynton, was chosen chaplain of the house on the resignation of Mr. Weeks.

In answer to a committee of the house, Sir John stated that the Maroons had been received here by instructions from the crown, who would provide for them. The capitation tax had last year produced £842 5s. 1d., and a balance of accounts was £7600 *in favor* of the province. Friday, 30 June. On a bill the house sent up, to prevent illicit trade, the council object, among other things, to the seizure of vessels belonging

to foreigners found within three leagues of the coast of Nova Scotia, as "repugnant to the British statutes, for it allows of" "no time for departure, and might involve his majesty in" "disputes with the United States. H. M. council are of" "opinion the legislature of Nova Scotia can have no right to" "regulate the foreign trade of the province, which always has" "been under the immediate control and management of the" "mother country." (The present provincial act fixes one league within which vessels engaged in smuggling may be seized.)

The sum of £250 was voted to procure a survey of a canal from the bason of Minas to the harbor of Halifax, by the Shubenacadie route. Ten acts were passed, one was for building an edifice in which to hold the meetings of the Assembly, courts of law, and public offices. The assembly was prorogued 10 July.

At this date over 400 of the militia were already in the Halifax garrison, and the rest of the 600 were expected there very soon. In addition 2000 more select men were under orders to come in on the shortest notice in case of any attempt to be made by the enemy. Prince Edward requested that another battalion should be embodied and called into the garrison, but Sir John Wentworth was unwilling to accede to it and remonstrated with him by letter, shewing the ill effects it would produce upon the people and their agriculture.

Mr. Ochterlony having, as Sir John states, fomented discontent among the Maroons, was removed, and captain Alexander Howe, of the R. N. S. regiment, appointed to take charge of them.—The inhabitants of Parrsborough applied to the governor and council, to be annexed to the county of Cumberland, and heads of families at fort Lawrence to be made part of Amherst township. They were directed to be heard on this subject, in council, on 10 October next, at which time the enquiry was postponed until 8 March, 1798. (Recently only has Parrsborough been separated from King's county, and annexed to Cumberland.)

On the 7 July, David McLane, an American citizen, was tried and convicted of treason, at Québec: He was defended



by Messrs. Pyke and Francklin, the former of whom was a son of Mr. Pyke of Halifax, the other, I suppose, a son of lieut. governor Francklin. McLean was executed 21 July, with most of the barbarous proceedings of hanging, decapitation, embowelling, &c. (It was this season that the great mutiny of the fleet, at the Nore, took place.)

The birth day of the prince of Wales was celebrated with salutes, levees, and banquets, given by the prince Edward and by the lieut. governor. 17 August, lieut. Charles Thomas, of H. M. 7th regiment, a cousin of Sir John Wentworth, died at government house, in the 25th year of his age. He is said to have been shot accidentally by a brother officer. Prince Edward lamented him much, and erected a monument over his grave. The family were of long standing among the gentry of New England. Nathaniel Ray Thomas was collector at Windsor, and his daughter (an only child) was married to the present judge Wilkins, of this province. They came here, I believe, as loyalists. I find the following notice in a Halifax paper of 31 July, 1862, among the deaths :

“ On the 12th inst., at the Blanche, in the county of Shelburne, Elam Thomas, son of colonel Thomas, in the 78th year of his age. The father of the deceased was a colonel in the ranks of the loyalists, who left for these provinces in 1783 ; his son Elam was born on the passage to Nova Scotia.”

On saturday, 9 September, Sir John Wentworth met the council. Messrs. Henry Newton, A. Brymer, Charles Morris, S. S. Blowers, and B. Wentworth, were present. His excellency laid before them the resignation of chief justice Strange, who had accepted an appointment in Bombay, of recorder of fort St. George, and was married and knighted before he went to India, and stated that he had his majesty's approval to make attorney general Blowers, chief justice—solicitor general Uniacke, attorney general, and Jonathan Sterns, solicitor general. Mr. Blowers was sworn in as chief justice, and Mr. Uniacke as attorney general ; and the new chief justice took his seat as president of the council : and on the 12th, Mr. Sterns was sworn in before the lieut. governor and council as solicitor general. Sir Thomas Strange made a present of his

law library to the province of Nova Scotia. It became the nucleus of the present library of the bar at Halifax. At this time an attack on Canada by a French squadron was threatened,—a malignant fever (yellow fever) had again appeared in Philadelphia, and the Irish brigade of Dillon, 1200 strong, which embarked at Cork on 27 July, was daily expected at Halifax. 3 Oct'r. Michael Wallace was appointed and sworn in as treasurer of the province, on the resignation of Mr. Benning Wentworth.

We find George Brinley commissary and storekeeper general in this garrison in October, 1797. His wife was a Wentworth, sister to lady Wentworth. Benning Wentworth was a brother to both these ladies. William Birch Brinley, his son, married Joanna Allen, daughter of John Allen, esq'r., of Preston, N. S., and the only child of this marriage is the widow of Mr. William Lawson. Mrs. Gore, deceased, the novelist, was grand daughter of George Brinley, the commissary general, her mother, Mrs. Moody, being his daughter.

The embodied militia were discharged 24 October. Sir John Wentworth recommends that judge Brenton should have the seat in H. M. council, vacant by chief justice Strange's resignation ; and Andrew Belcher, esq'r., merchant, Halifax, (son of the late chief justice Belcher), to be a member of the council. Nov'r. 8. Six ships of war, commanded by admiral Vandeput, sailed from Halifax on a cruise.

On thursday, 23 November, H. M. S. LaTribune, captain Barker, was lost in coming into Halifax harbor. She struck on Thrum Cap shoal, after a time she got off, but was sunk off the mouth of Herring cove. A boy, 13 years old, of that place, saved several lives, being the first to venture near her the next day. Only 12 of the ship's company were rescued, among whom was Mr. John Galvin, a master's mate in the navy, who was a passenger in her. Lieut. James, two non-commissioned officers and four privates of the Nova Scotia regiment, who had gone to their rescue, perished. It is the tradition that captain Barker refused to let any one leave the vessel, and would neither abandon her or suffer those on board to save their lives, and that he complained that no commis-

sioned officer had been sent to him from admiral Murray to justify his leaving the ship to her fate. It is also said that Mr. Galvin, who knew the port well, had offered advice and assistance when she got first ashore, but was repulsed as obtruding his services. The prince Edward, as lieut. general in command, gave his official thanks to lieutenants Halliburton, Campbell and Nooth, of the 7th regiment Royal Fusileers, called the Prince's regiment, for their exertions in manning boats sent to help the wreck. (Lieut. Halliburton was son of doctor Halliburton. Leaving the army he became judge, and chief justice Sir Brenton Halliburton.) Mrs. Fletcher, of Yarmouth, (née McKinnon), wrote some pathetic verses on this melancholy disaster. I regret I have not seen this poem.

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## APPENDIX TO CHAPTER XIII.

### (1.)

23 Feb'y., 1797, died, Mr. Jacob Hurd, in 71st year of his age, leaving a widow and large family.

14 March, 1797, died, in her 16th year, miss Hester Wallace, eldest daughter of Michael Wallace, esq'r., merchant here. (Her mother was a miss Kerby.)

Dec'r. 22, friday, died, Mrs. Binney, wife of Jonathan Binney, esq'r.. in 75th year of her age.

### (2.)

[Sir John Wentworth writes to Phineas Bond, esquire.]

17 February, 1797.

"Dear Sir. I am exceedingly obliged in your favor inclosing a newspaper and Peter Porcupine's December Censor, which has afforded great amusement to his Royal Highness Prince Edward and to myself. He is certainly an useful as well as an entertaining writer, and I am glad to find his works likely to be circulated in a daily paper of his own, which obtains many subscribers in this province." Recommends Mr. Quarrel and Lieut. Thomas.

He writes same date to Sir John Temple, recommending Quarrel and Thomas. Of the latter he says: "His family were formerly known to you in New Eng-"  
"land; and this young man's deportment is so deservedly approved, that I am"  
"much interested in his prosperity," &c. In a letter to Mr. Liston he calls Thomas his kinsman.

24 February, in writing to President Matthews, at Sydney, C. B., he refers to Mr. Dodd, who wished a custom-house situation there. Calls him "a good old" "man, well versed in business, attached to Government and those under whom" "he acts."

(3.)

Mr. Quarrel was appointed a member of council in Jamaica, as a reward for his care of the Maroons.

22 April, 1797. Sir J. Wentworth advises the Lords of the Treasury that he had drawn on them for £929 2s. 1d. sterling, for subsistence of the people of St. Pierre and Miquelon.

(4.)

In a letter 21 April. 1797, of his excellency Sir John Wentworth to the Duke of Clarence, he says of the Maroons: "From my observation of them, neither Jamaica, nor any other island. would be long at peace nor secure from insurrection, were these people among them. In this country they can do no material harm, and I am convinced they will be an useful and faithful corps to oppose an invading enemy." "In fact they do not wish to live by industry, but prefer war and hunting." They are divided into three tribes, jealous of each other. "One captain complains that he has not a well furnished house and cellar to exercise hospitality, instead of which he must be content with a good farm and land to cultivate. Another says, neither yams, bananas, cocoa, or cayenne pepper, will grow on his farm. A third, that there are not any wild hogs to hunt." Thanks the Duke for recommending his nephew, capt. Apthorp, for promotion in the navy. Lady W. has been 52 days ill of fever.

(5.)

Nathaniel Ray Thomas was educated at Cambridge, U. S.; married Sarah Deering, of Boston,—had a large family of children. "When the war came on he was chose a mandamus counsellor, and being badly advised, accepted of it, and went off with the regulars, and died at Halifax. His widow lives genteely in that county on a farm." [*From a letter Warwick, March 9, 1792, signed Catherine Green, published in New York Historical Magazine for August, 1860, p. 252, 253.*]

(6.)

Just received from Quebec, and to be sold by A. Henry,  
The Trial of Daniel McLane,  
(In large octavo, containing 127 pages), for high treason, at the city of Quebec, in the province of Lower Canada, on friday, the 7th day of July, 1797.  
Price, 3s.

(7.)

[*Lieut. Governor Sir J. Wentworth to Mr. Liston, 9 Dec'r., 1797.*]

"I beg leave to introduce my friend, Lawrence Hartshorne, esquire, a member of Assembly, and opulent merchant of this place. He is a worthy, loyal, excellent, good man, highly respected and esteemed in this country. Permit me to entreat your favorable attention to him, which will much oblige," &c.



(8.)

## LIST OF SHERIFFS APPOINTED BY HIS EXCELLENCY.

[*From Gazette of 31 October, 1797.*]

Halifax—Lewis Wilkins, esq'r.  
 Annapolis—Robert Dickson, esq'r.  
 Cumberland—Charles Chandler, esq'r.  
 Lunenburg—Edward James, esq'r.  
 King's county—John Thomas Hill, esq'r.  
 Queen's county—Nathan Tupper, esq'r.  
 Shelburne—Gideon White, esq'r.  
 Hants county—Benjamin Dewolf, esq'r.  
 Sydney—T. W. Hierlihy, esq'r.

(9.)

[*Extract of a letter from Placentia, Newfoundland, 20 Dec'r., 1797.*]

“One of the transports with the Irish Brigades, bound to New York, is put in here. Capt. Kennedy and the officers are well. I think she will remain here this winter.”

(10.)

I feel bound to correct an error. I stated Mr. Pyke to have been a native of Halifax, but have since ascertained that he was born in England, and came here when a child.

## CHAPTER XIV.

1798. The opening of this year was made melancholy by the sufferings of wrecked persons on our coasts. About christmas, 1797, a small schooner was lost on the bay of Fundy shores, near Wilmot. Three mutilated dead bodies were found on the bank, and three others who had been frozen to death in the woods after escaping from the water. Mr. Patrick McMaster, a merchant of Halifax, was one of the three who had been drowned, and a Mr. William Harris one of the frozen.—The brig Princess Amelia, capt. Wyatt, from London, was wrecked 9 November, 1797, on the south side of Sable island. On 14 December the schr. Hero, Thos. Cunningham, master, saw above 30 men on the island, making signals, but the tempestuous weather drove him off, and he arrived in great destitution and distress at Cole harbor, near Halifax, about new year, where he and his crew were received with the most generous humanity by Mr. Mundy, an aged person inhabiting a cottage there, who gave them all the provisions he had stored up for the use of his family through the winter, after which Cunningham put to sea again, leaving a written memorandum respecting the wrecked people on Sable island. When Sir John Wentworth got this information, (6 January, having consulted the council), he hired a schooner belonging to Liverpool, and sent her to the island with provisions, blankets and clothing, which the inhabitants of Halifax gave him to relieve the wrecked men. Meanwhile capt. Wyatt, with the hon. lieut. Cochrane, of the 7th regiment, and four of the crew, left the island in the long boat, which they had decked with

canvas, and made one of our eastern harbors. The Liverpool schooner (Black Snake, captain Thomas Parker), left Halifax 12 January, and came back with the rest of the crew and passengers of the Princess Amelia, on the 28th. Some persons were left on the island during the winter to save property and assist vessels. The baggage and provisions had been saved from the brig, and a hut found on the island, by which means the lives of the people were saved. The conduct of Mundy as a man and a christian needs no comment. The courage of the Dundonald family is ever conspicuous. This young army officer exhibits it in joining the brave and experienced Wyatt in his winter voyage in the long boat; and we had an instance, some years since, when the son of the hero of a thousand sea-fights risked his life in an unsuccessful effort to save a much beloved young gentleman of Halifax from death in our harbor.

On the 12 January, (friday), the body of lieut. Thos. Sharpe, one of those lost in November, in *La Tribune*, was found, and was buried with military honors on the 15th.

At this period the British subjects who had the misfortune to become prisoners in the French West Indies, were said to have been very ill treated. Young and Jones, shipmasters, and Mr. Tidmarsh, supercargo, returned here in February from a prison in Guadaloupe, of which they complained; and capt. Peachey, 7th regiment, and Alexander Woodin, youngest son of John Woodin, esq'r., of Margaret's Bay, also a British officer, died in prison at Martinique.

Such heavy snows fell, that the road from Halifax to Windsor had become impassable; but by the exertions of the magistrates and the people, in which the prince ordered the troops to assist, the way was cleared; and on the evening of sunday, 20 February, 35 cattle, that had been detained on their way for near a fortnight, reached town.

27 March. Sir John Wentworth writes to earl Balcarras, the governor of Jamaica, respecting the Maroons. He says that he had endorsed bills for their expence, which had been returned protested,—that their settlement here 'is acceded' 'to by the people, rather than desirable,'—they wish to go to

Guadaloupe or Hispaniola. Offers have been made to remove them to the Southern States, viz., to Georgia. He suspects these offers, as by the laws of these States they cannot remain there.

The officers and men of the Royal Nova Scotia regiment offer one week's pay, £199 12s. 10d., to the king, 'toward' 'the public service, now menaced by bitter, cruel and wicked' 'enemies.' Captain Allan offers half his pay during the war. The inhabitants of Halifax subscribed for the same object near £4000, much of it being an annual gift during the war.

Mr. Quarrel left for Jamaica, *via* Boston. He is described as a sensible, well-bred gentlemen. Sir John complains that the Maroons were kept in a state of discontent and hostility by a *friend* of Ochterlony here. He says to lord Balcarras that the expenditure on their account to December, 1797, was £10,695, and the amount of bills on the treasury £6,987 3s. 5d. sterling.

The theatre was in full activity this winter, as we find a play advertised every week or two. The 6th regiment, or Irish brigade, was now stationed in this province. Part of them had wintered at Placentia, under capt. Patrick Jennings, who received an address before leaving, dated 28th of March, signed by the chief residents of that place. Among the names attached to it is that of the Rev'd. Edward Burke, the same, I conclude, who was afterwards R. C. clergyman at Halifax, and bishop *in partibus* in charge of the Catholic churches of Nova Scotia.—23 May, wednesday, Jonathan Sterns, esq'r., died.—25th, James Stewart offered as candidate for the seat in assembly for Halifax county, then vacant; and on the 26th, he was sworn in solicitor general in place of deceased. Mr. Stewart, I believe, was son of Anthony Stewart, an eminent loyalist from one of the Southern states, of Scottish origin, who had settled in Halifax.

Friday, 8 June, the assembly met. Sir John Wentworth opened the session with a speech, in which he stated that the revenue laws operate well. He says: "Great praise results" "to an extensive society, when their good conduct precludes" "the necessity of many new laws." He praises the loyal



subscriptions,—says their course is that of “our king, our” “country, and our most holy religion.” The answers of both houses are written in a most loyal strain, and echo all his excellency’s sentiments. The assembly praise Sir John for his zeal in the public interest, and speaks of “the happiness” “we have enjoyed under your mild administration.” Three new members took their seats: Mr. Uniacke for Queen’s county—George Gracie, esq’r., for the county of Shelburne, and James Stewart, esq’r., for the county of Halifax. A petition of Moses Delesdernier, for compensation, stating his visits to Holland, Germany and Switzerland, by orders of the board of trade, and losses caused by the Indians and Acadians in 1758. Says he is over 73 years old, and has been 46 years in the province, (born therefore about 1725, and came here in in 1752.) The claim was dismissed, probably as coming too late. A balance of account was shewn of £14,318 15s. 8½d., in favor of the province. 26 June. The lieutenant governor informed the house, by message, that George Leonard, esq’r., had been appointed superintendant of the Trade and fisheries of the province. 30 June. The assembly voted £500, guineas, to purchase a star, to be presented to prince Edward. On saturday, the 7 July, the lieut. governor council and assembly, proceeded from the council chamber to government house, and there presented an address to the prince, offering this star, which he accepted. The acts passed this session were six in number,—one was an act to prevent aliens from remaining in the province, except under leave of the government. The assembly was prorogued the same day, 7 July.

Mr. Bulkeley was judge of the vice admiralty court, and nine captains of the Royal navy joined in a letter to admiral Vandeput, complaining that the decisions in that court were contradictory,—that the place of trial was in a private house, &c. &c. The admiral communicated this to Sir John Wentworth, who sent their letters to Mr. Bulkeley. In reply, (19 June), he tells Sir John that the officers seem aggrieved with a late decision in his court, and that his answer is, that they have the usual and established remedy of appeal. He says: “In respect to the place in which the court is held,”

“although the house is mine, on such occasions it is made”  
“public. The room is 24 feet long by 18 feet wide, with a”  
“spacious hall; the doors always open, and free access to”  
“all persons, whether they have business at the court, or”  
“come from curiosity, and every convenience afforded. In”  
“respect to the court-house, I have frequently been preven-”  
“ted from holding the court there, by the intervention of”  
“Sessions of the peace, court of Common pleas, and the”  
“Supreme court; and further, the king, by his commission,”  
“empowers me to sit and hold courts in any cities, chief”  
“towns and places, in this province.” Sir John Wentworth  
writes to the duke of Portland, 23 June, “that the vice admi-”  
“ral and captains of H. M. ships on this station entertain”  
“an opinion that the great age and infirmity of the hon’ble.”  
“Richard Bulkeley render him unequal to the duties of a”  
“judge of vice admiralty,” and he suggests that Mr. Bulkeley  
should depute judge Brenton to act for him, ‘who would do’  
‘the duty without claiming the emoluments.’

Sir John, at the same time, writes to the duke of Portland, that William Cottnam Tonge, esq., proposed to take charge of 300 of the Maroons, at £10 a head. He says that Mr. Tonge prefaced this proposal with observing that his estate was embarrassed with debt, which this speculation would remove. He offered bonds, but Sir John distrusted the proposal. He said also that the Maroons would not go with Tonge, unless compelled by military force, nor would the people of the town receive them, unless by coercion. He adds: “I have a still”  
“further and equally serious objection, of a more private”  
“nature, which is, that I cannot and ought not to have any”  
“reasonable confidence, that less seditious practices would”  
“be imparted under this direction, than has been employed”  
“where they now are.” This dislike and distrust of Mr. Tonge entertained by Sir John Wentworth, appears to have pervaded all their subsequent intercourse, until it culminated in the refusal to accept Tonge as speaker of assembly on his second election to that honor.

The loyal subscription went on this year :

£342 2s. 6d. was given at Cornwallis.

2079 12s. 3½d. by the garrison of Halifax.

65 3s. 9d. by Parrsborough.

600 os. od. in Annapolis county.

July 9. Capt. Howe was removed, and Theophilus Chamberlain appointed in charge of the Maroons. July 16. A patent issued, appointing the following persons directors for the Shubenacadie canal: William Forsyth, chairman; Andrew Belcher, deputy chairman; William Cochran, Lawrence Harts-horne, Charles Hill, Richard Kidston, John Bremner, and William Sabatier; and Michael Wallace, secretary and cashier.

An act of the United States congress passed 3 July, authorizing the president to grant special commissions against the French, after which the American armed vessels received authority to capture or destroy French armed vessels.

Lady Wentworth, who had gone from Halifax to England in March, was presented at court to the king and queen by the countess Fitzwilliam, one of the Wentworth family, on the 5 July. It is said that she was admired by queen Charlotte for her elegance and manners, and received the appointment of a lady in waiting, with permission to reside abroad and receive £500 a year salary.

Sept'r. 13. Five neutral vessels, captured by H. M. S. *Prevoyante*, were brought in. 18th. All vessels from American ports were ordered to be stopped at Point Sandwich, and examined by a health officer.

On the 8 August, (wednesday), prince Edward was riding in Halifax, and as he was trotting fast over a little wooden bridge, (which probably crossed one of the gutters that runs down hill from West to East), the horse broke through a defective plank, with one foot, and instantly fell, coming with his whole weight and velocity upon the prince's leg and thigh, which were thereby severely bruised, the horse rolling over him. Although he suffered much from this accident, he continued to perform his military duties. On monday, 13 August, he attended the display on the parade in honor of the prince of Wales' birth day; and on friday, 14 Sept'r., he attended the review of his own regiment, the 7th, on the exercising ground

behind Citadel hill. Meanwhile, painful spasms and untoward symptoms resulted. Dr. Halliburton, of the Naval hospital, and Dr. Almon, of the artillery, who were looked upon as great medical authorities here, united in their advice that he should go to England as soon as possible. The prince sent for Dr. Nooth, from Quebec, who arrived at Halifax 19 September, and after seeing his patient twice, and consulting with the other doctors, concurred in their opinion. The prince yielded to the decrees of science, but resolved not to remove his domestic establishment, as he hoped to return to his command in the spring. Sir John Wentworth says of the prince, "While I was endeavoring to console him and support his" "resolution not to act suddenly, upon the doctors' advice to" "go home, he expressed his fears of the limb withering." "After some time silent, he said, in a tone and manner of" "penetrating grief, 'How hard it is, governor, to be the only'" "man in the king's service who may not repair to his native" "land for the recovery of his health, perhaps for the preser-" "vation of his limb, or even life. I should instantly give" "leave to an officer under my command upon the same occa-" "sion.' I did not fail to exert my feeble powers to relieve" "his mind, and with so much success, that he seemed much" "less agitated. Whatever he endures, he never complains" "in resentful terms, nor ever lets an angry expression pass" "his lips, although his eyes are not quite as subdued in their" "expression." On thursday, the 18 October, at government house, the lieut. governor and council presented an address to the prince, lamenting his accident and his departure—thanking him for his attention to the protection of the province—hoping for his return, and soliciting his patronage of the province and people. An address from near 400 of the inhabitants of Halifax was at the same time presented to him by the attorney general, Uniacke. On sunday morning, 21 October, he embarked, with his suite, in H. M. S. *Topaz*, capt. Church. The Royal standard was displayed on board the ship, and a Royal salute fired from all the men-of-war in the harbor and from the Citadel hill; and on tuesday, 23 October, she sailed



for England, a Royal salute being fired as she passed the forts. The prince arrived at Portsmouth 13 November.

On the 25 September, a very remarkable storm occurred, by which much damage was done to the wharves and shipping in Halifax harbor.

An actual state of war existed at this time between the United States and France. The frigate *Constitution* captured a French sloop of war, and the frigate *United States* made prizes of an armed French schooner and sloop. On Sunday, the 11 November, the U. S. sloop of war *Herald*, capt. Severs, and brig *Pickering*, capt. Chapman, with the brig *Commerce*, Childs, under their convoy, arrived at Halifax. Royal salutes were exchanged, and the captains landed and paid their respects to the governor, admiral and general here.

The victory of admiral Nelson at the mouth of the Nile, on the 1 August, 1798, was made known here 21 November, on which salutes were fired and the town illuminated; and this example was followed at Lunenburg on the 27th, when they received the news.

## APPENDIX TO CHAPTER XIV.

### (1.)

Married, at Onslow, 27 Feb'y., 1798, Andrew Wallace, esq'r., to miss Abigail Dickson.

March 19. Mr. William Pryor, to miss Barbara Foss.

March 26. Died, at Windsor, Mrs. Deschamps, consort of the hon. judge Deschamps, in the 62nd year of her age.

Friday, 28 Sep'r. Died, Richard Jacobs, near the Blue Bell, 63 years old.

Thursday, 25 October. Married, by the rev. Mr. Stanser, Mr. John Howe, to Mrs. Mary Austen. (The hon. Joseph Howe is the child of this marriage.)

### (2.)

Escheat notice of 105,000 acres at Kenticook, granted in trust to the late general Small.

### (3.)

Irish Society's dinner at the British tavern, 17 March. Present: Prince Edward, Sir John Wentworth, major general Ogilvie, the Chief Justice, &c. &c.

30 Nov'r. Scotch Society dinner at 4, P. M., at same place, (Mrs. Gallagher's.) Present: the Lieutenant Governor, Chief Justice, General Murray, &c. &c.

## (4.)

Five guineas reward advertised, on conviction of the person who stole three turkey hens from the Prince's town quarters, in April. Apply to serjeant John Newton, Yellow Barracks.

Stevens' island, in the bason, about 20 acres offered for sale by Robert Milne.

## (5.)

Loyal subscriptions in aid of Government, £4183 2s. 9½d. Sir John Wentworth, £200 ; Chief Justice Blowers, £200 ; Mr. Bulkeley, £120 ; Bishop Inglis, £100 ; H. Newton, £36 ; A. Brymer, £100 ; Mrs. Brymer, £25 ; master J. W. Parr Brymer, £25 ; T. J. & W. Cochran, £200. The magistrates and principal militia officers of Cornwallis assembled 23 May at the house of Philip Marchinton, esq'r. There was a repast, and loyal toasts. The chief justice Blowers, judge Deschamps, hon. Thomas Cochran and attorney general Uniacke were present. On this occasion a liberal subscription was made in aid of government. Colonel Creighton, of Lunenburg, also gave £100. The Prince's male domestics, 10 in number, subscribed £54 among them.

## (6.)

Thursday, 27 Sept'r.. one Bembridge killed miss Russell, near Dartmouth, from (jealous feelings,) for which he was executed.

## (7.)

The fatal fever prevailed this year in Philadelphia, New York and Boston. At Philadelphia the deaths sometimes were 50 or 60 in a day. At Boston they averaged about 6 daily. In December, governor Mifflin stated to the legislature of Pennsylvania that they had lost 3645 persons by the malady.

## (8.)

PICTOU, Oct'r. 25, 1798. Yesterday was launched here, by messrs. Lowdens, the ship *Harriet*, burthen 600 tons. She is pierced for 24 guns, and supposed to be the largest and finest ship built in this province. Her bottom is composed of oak and black birch timber, and her upper works, beams, &c., totally of pitch pine ; on account of which mode of construction, she is said to be little inferior in quality to British built ships ; and does peculiar credit, not only to this growing settlement, but to the province at large.

## (9.)

HALIFAX, October 30. His Excellency the lieutenant governor has been pleased to appoint the following gentlemen, Sheriffs, in this province, viz :—

County of Halifax—Lewis M. Wilkins.

“ Annapolis—Robert Dickson.

“ Cumberland—Charles Chandler.

“ Lunenburg—Henry Kaulback.

“ King's county—J. Thomas Hill.

County of Queen's—Nathan Tupper.

“ Shelburne—Thomas Crowell.

“ Hants—Benjamin Dewolf.

“ Sydney—W. T. Hierlihy.

( 10. )

STATE OF H. M. COUNCIL, AS REPORTED IN SIR J. WENTWORTH'S LETTER TO  
THE DUKE OF PORTLAND, 2 NOV'R., 1798.

1. The hon'ble. Richard Bulkeley, esq'r., resided at Halifax, but, from his great age and infirmities, is entirely incapable of attending the duty.

2. Sampson Salter Blowers, esq'r., Chief Justice of the Province and President of the Council, resides at Halifax and attends the duty.

3. Henry Newton, esq'r., Collector of H. M. Customs, resides at Halifax, and attends the duty regularly.

4. Alexander Brymer, esq'r., Deputy Paymaster of H. M. Forces, resides at Halifax, and attends duty regularly.

5. Isaac Deschamps, esq'r., Puisne Judge of the Supreme Court, resides at Windsor, attends regularly during the sitting of the Legislature, and occasionally at other times.

6. Thomas Cochran, esq'r., resides at Halifax, and attends the duty regularly.

7. Charles Morris, esq'r., Surveyor General of Lands, Register of Admiralty and Surrogate General, resides at Halifax, and attends duty regularly.

8. John Halliburton, esq'r., Physician to H. M. Naval Hospital, resides at Halifax—is sometimes prevented attending, by urgent cases in his professional duty.

9. Henry Duncan, esq'r., Commissioner of H. M. Careening Yard, resides at Halifax—is oftener prevented from attending at Council, by duty in the Careening Yard. Had leave of absence to proceed to England for recovery of his health, which was most grievously and dangerously impaired, and I am informed is not yet recovered.

10. James Delancey, esq'r., resides at Annapolis, his health much impaired, which prevents his regular attendance on duty.

11. Benning Wentworth, Secretary of the Province and Paymaster of the Royal Nova Scotia regiment, resides at Halifax, and attends regularly.

12. One seat vacant, and

Colonel Thomas Barclay, James Brenton and Andrew Belcher, esquires, have been recommended, conformable to H. M. instructions.

In another copy of this letter he adds a recommendation of William Forsyth.

By a note, 12 April, 1799, “there are not any alterations in the Council since the preceding letter.” J. WENTWORTH.

( 11. )

[*Sir John Wentworth to the Duke of Portland. 17 Nov'r., 1798.*]

Complains of “a continued bilious complaint, which affects my head and”  
“eyes, and prevents a possibility of writing many minutes together. The crops”  
“have been abundant,—commerce greatly profited and increased,—the fishes—”  
“rys successful, and hitherto the present year has been exceedingly healthy.”

## CHAPTER XV.

1799. Early in this year, Thomas Barclay, esq'r., the speaker of the assembly of Nova Scotia, was appointed H. M. consul general for the Eastern states of America. [*London gazette*, 27 *January*.] Sir Andrew Snape Hamond, formerly our lieutenant governor, now held the post of comptroller of the Navy office, with a salary of £1,670.

In April, the Maroons at Preston, evincing a mutinous disposition, Sir John sent capt. Solomon, lieut. Muller, and fifty men there, of the R. N. S. regiment, and posted them near the settlement.—Sir John now complains of impaired health. Says the government house was built chiefly of green wood, near 50 years previous, and is much decayed. He had moved his residence to six miles out, (the spot afterwards called the Prince's lodge.) He can be informed of any occurrence in five minutes, by telegraph, and, if necessary, be in town in forty minutes. He complains that some person from Jamaica had poisoned the minds of the Maroons, inducing them not to go to church on sundays—giving them feasts, liquor, horse races and cock-fights on that day—telling them that the king paid every one for going to church, and that they were cheated out of this pay by Sir John and their clergyman.

The star, (a diamond star, of the order of the garter), voted to the Prince Edward, was presented to him (Jan. 9) by Mr. Chas. Mary Wentworth, son of the lieut. governor, and Mr. Harts-horne. The prince at this time resided at Kensington palace, and was appointed governor of Portsmouth. 21 May. The privateer ship Charles Mary returned to Liverpool, N. S., from



a cruise, bringing with her four valuable Spanish prizes,—one a brig, letter of marque, 14 guns, which fought near an hour before she struck. 22 May. Five British men-of-war arrived from Bermuda. We find this year Mr. Charles Powell mentioned as an actor and teacher of dancing. 28 May. Colonel Barclay sailed for New York, to assume his new duties.

The assembly met on Friday, 7 June, (7th general assembly, 7th and last session.) Mr. Barclay having left the province to become British consul general in the Eastern States, Richard John Uniacke, (the attorney general), was elected speaker. Sir John Wentworth, in opening the session, congratulated them on the successes of Great Britain and her allies; mentioned the general prosperity and happy state of the province, which, he says, ‘testify the wisdom of its laws—the justice’ ‘in their administration, and the loyalty, virtue, and prudent’ ‘industry of the inhabitants.’ He recommends quarantine laws, to guard against yellow fever and other infections; mentions the bridge now building across the Windsor river,—recommends the completion of the roads to Annapolis and Pictou, and informs them of the *star* being graciously received by prince Edward. Both houses replied suitably, and each house congratulated Sir John on the return of his wife and son. The assembly say that Providence, “in the midst of” “war, has preserved to us all the blessings of peace,” and express their gratitude to the king for protection. A difference arose this session between the house and the council, in consequence of the latter interfering with revenue bills. The former acts expired, but eventually the breach was made up, and the bills passed, with a diminution of the duty on tea legally imported from England. £100 was voted to Matthew Pinnell, late keeper of Sambro’ lighthouse. He was 85—his wife 75, and they had three small orphan grandchildren. He had been 27 years keeper.—The balance in the treasury 31st March, 1799, was £13,793 18s. 8d., and the balance in account to same date in favor of the province, was £25,855 5s. 5d.—10 July. £172 4s. 5d. was voted to pay for a picture of Sir T. A. Strange, the late chief justice, “to commemorate the” “memory of an upright judge and an honest man.” Divisions

took place as to the site of the new public buildings and the new government house. The South farm, the Gerrish garden and the present site, were named for the last. On wednesday, 31 July, the assembly was prorogued. Mr. Speaker Uniacke, in presenting the appropriation bill, made an address to his excellency, beginning thus: "May it please your excellency." "Fifty years have but just elapsed since the first English" "settlers landed here. There are members both of H. M." "council and house of assembly who recollect when the first" "tree was felled on the spot where you now preside over the" "legislature of a flourishing and happy colony." He went on to express gratitude to the king, loyalty, &c., and hope of the prince's return. Refers to the strict economy pursued for the last seven years in public matters, which has enabled them now to vote money for erecting a new government house, and for the repairs of the great roads. The assembly voted £10,000 for making and repairing the post roads; £10,500 to purchase a site and build a new government house. The country was prospering in its agriculture, and the people healthy. The markets abroad for our fish had declined. Labor was high, as a good laborer could obtain from one dollar to 6s. currency a day.

Sunday, 11 August, attempts were made by persons to set fire to the buildings of the Dockyard, government house, and engine house. Large rewards for discovery were offered, and a night patrol of militia was ordered, of an officer, 12 men, and a magistrate.

30 August. The accounts of G. H. Monk, superintendant of Indians, for provisions and supplies to them between the 20 Oct'r., 1793, and 30 July, 1799, amounting to £2945 6s. 1d. currency, were examined and approved by H. M. council. In council, monday, 2 Sept'r., the burial ground in Halifax was granted to the rector, &c., of St. Paul's church.

4 Sept'r. Accounts for expences of the Maroons between 22 July, 1797, and 30 Sept'r., 1798, £25,631 14s. 3½d. sterling, and between 1 Oct'r. and 31 Dec'r., 1798, £7,809 16s. 0½d., were examined and approved by the council. 10 September, further Maroon accounts passed: 1 Jan'y. 1799, to 31 March,

£2,563 10s. 9½d. (23 September.) From 1 April to 30 June, £2,384 16s. 3¼d. Total, £38,390 os. 4¼d. sterling. And an account of Mr. M. Wallace, for horses shipped in 1794 to the West Indies, £1,477 7s. 2d.

Friday, 6 September, about 6, A. M., a signal was made for a frigate in the offing. At 8, A. M., the telegraph announced that she was from England, and had the duke of Kent (Prince Edward) on board. (My juvenile readers are perhaps aware that the electric telegraph was not discovered until long after 1799, but signals were made with flags, balls, lanthorns, &c., whereby information was conveyed rapidly, each of the signal stations being on a point visible at the next.) The frigate proved to be the *Arethusa*, capt. Wooley, 43 days from England. As she came up the harbor, royal salutes were fired from the batteries and from the ships of war, whose yards were manned, and the inhabitants crowded on the wharves and cheered her in passing. As soon as the vessel was moored, Sir John Wentworth, general Ogilvie, admiral Vandeput, the navy captains and principal officers of the garrison, waited on the prince on board. The prince left the *Arethusa* in a barge with the royal standard, followed by the barges of the men-of-war in port, saluted by each ship as he passed. At 1. P. M., he reached the king's slip, when a salute from citadel hill greeted him. On landing, he was received by the governor and council, the general, the speaker of assembly, and many others, who escorted him through double ranks of soldiers and militia to government house, the admiral and navy captains going also with him. At government house he was met and congratulated by the officers of the army and the chief inhabitants, and the bells of the churches were rung for joy at his coming. There came with him in the *Arethusa*, four *aides-de-camp*—majors Gordon and Smith, and captains Hardyman and Dodd, and his domestic chaplain, the rev. Mr. Wetherall.

The yellow fever again appeared in Philadelphia and New York this summer.

10 Sept'r. James Brenton, esq'r., (the judge), was sworn in as member of council, on a mandamus from the king.

In a private letter from Sir John Wentworth to John King,

esquire, under-secretary of state, 27 September, he says the duke of Kent "has entered upon his command with infinite" "activity, and ideas extremely enlarged, since his departure" "from hence. The arrangement in contemplation promises" "a plenteous circulation of money, and improvement to this" "province. He is now residing chiefly at my house near" "town, which he requested to re-occupy," (this is the place called the Prince's lodge, about six miles from Halifax, on the West side of Bedford basin, where prince Edward made great improvements, but as the erections were all of wood, they went to decay when unoccupied, and now there is hardly a vestige of them), "and I have accordingly lent it to him during his" "stay in Nova Scotia, although I have not another place to" "go to for a day's retirement. However, it must be so! for" "he wrote to me, and now says he has more pleasure in that" "villa than any other place out of England."—It was understood at this time that it was intended to confer a seat in H. M. council on John B. Butler, esq'r., whose uncle had been a member of that body. Sir John Wentworth objects to this, as Mr. Butler is a commissary, subject to the orders of the military commander-in-chief, and would thus be called away from his duty in council.

The province at this time imported about £200,000 value of British manufactures.

It appears that Sir John Wentworth, as colonel of the Nova Scotia regiment which he raised and commanded, received no pay or emolument whatever, except one ration and an allowance of fuel. This regiment voluntarily acceded to a proposal that they should serve in all parts of British North America.

Thursday, 19 Sept'r. Addresses were presented to the duke of Kent, one from the lieutenant governor and council, and another from the magistrates, clergy and grand jury of Halifax. In the latter he is complimented on his "perseverance in" "acquiring an accurate geographical and political knowledge" "of these provinces," and is assured "that the inhabitants" "of Nova Scotia have a just sense of the consequence which" "the province derives from the residence of your royal highness in it."



In this month, September, the yellow fever continued to rage in Philadelphia and in New York. Business of every kind was at a stand, and those who could afford it removed into the country. At Boston and at Halifax a strict quarantine was enforced.

It was proposed this year to send the Maroons in Nova Scotia to Sierra Leone, but they did not go until the next year.

In October, a meeting of the governors of King's college, Windsor, was held at the college. Sir John Wentworth, bishop Inglis, chief justice Blowers, and the secretary, Benning Wentworth, attended. The pupils were examined before them in public. The rev. William Cochran was the president of the seminary.

11 October, the general assembly was dissolved, and writs for a general election ordered, to be returnable on 23 December. On this, the members who represented the town and county of Halifax in the house just dissolved, united in a joint card, dated 16 October, offering their services again. This was signed by Michael Wallace, Lawrence Hartshorne, Charles Morris and James Stewart, for the county; and by John George Pyke and William Cochran, for the town. It was followed by an offer from William Cottnam Tonge, worded thus:

"To the freeholders of the county of Halifax.

"Gentlemen. Without family connections, particular interests, or any influence but that arising from public opinion, but encouraged by the request of many respectable members of your body, I beg leave, with great deference, *singly* to offer myself as a candidate to represent you in General Assembly. On your opinion of my political conduct, which has passed within your immediate observation, I rest my hopes of success. Should this have acquired your approbation, and should I be honored with your confidence on this occasion, I have to assure you that I will never swerve from those principles which have invariably directed me. I remain, gentlemen, with sentiments of respect, your most obedient servant,

"W. COTTNAM TONGE.

"Halifax, 22 October, 1799."

Messrs. M. Wallace and the others issued hereupon a second card, denying combination, stating that they had united in one card to save time and trouble to the printer, &c., who had important intelligence to publish. (viz., capture of Dutch fleet, by admiral A. Mitchell.)

The election commenced at Halifax on monday, 18 November, at 11, A. M., and closed there on saturday, the 23d. The voters then were the freeholders only. For the town, messrs. Cochran and Pyke were returned, the votes polled being, for Wm. Cochran, 404 ; J. G. Pyke, 346 ; Andrew Belcher, 343. For the county : Morris, 756 ; Stewart, 621 ; Wallace, 596 ; Hartshorne, 578 ; Tonge, 392 ; Edward Mortimer, of Pictou, 109 ; James Fulton, of Onslow, 86. The poll for the county was then adjourned to Onslow, where it was held two days, at the close of which it stood thus, (2 December), Morris, 782 ; Stewart, 626 ; Wallace, 636 ; Hartshorne, 597 ; Tonge, 889 ; Fulton, 603 ; Mortimer, 621. It was then again adjourned to Walmsley, (Pictou), where it was held from 5th to 13th Dec'r., and then finally closed, the candidates standing as follows ; Tonge, 1257 ; Mortimer, 1077 ; Fulton, 1001 ; Morris, 1000 ; Wallace, 888 ; Stewart, 627 ; Hartshorne, 605. Wallace protested against the return of Mr. Tonge, on the ground that he had no freehold in the county of Halifax, and was therefore ineligible. There were also contests for the seats for counties of Annapolis and Cumberland. The attorney gen'l., Uniacke, was returned for Queen's county without opposition.

Addresses were signed to the duke of Kent in Annapolis, St. John, N. B., and elsewhere.

Sir John Wentworth to Robert Liston, esquire, (the British ambassador to the United States), 18th November, 1799 : " The duke of Orleans arrived here 30th of October, " with his two brothers, the duke Montpensier and count " Beaujolie, attended by count Montjoye, in H. M. S. Porcupine, captain Evans, from New Providence, where they had " been waiting some time for a passage to England, but none " presenting, they proceeded hither, and being still disappointed, they proceeded to New York in a merchant ship, (the " lord Duncan), to procure a passage from thence. They do

“not ostensibly assume their rank ; visited H. R. H. the duke of Kent, and myself, and admiral Vandeput. The visits were returned, and they have dined with H. R. H. at government house, on the public dinner days. The surplus of cash brought with them they invested in bills of exchange from the paymaster general of the army, upon the treasury, to be remitted to London. I learn they brought about 10,000 dollars. It seems to be their intention to proceed to Spain, to meet their mother, as soon as possible. In all their deportment here they have been intirely discreet. This is the general statement, except that they were also at a public ball at the government house, and yesterday dined with me. Friday they are to dine with the duke of Kent. As these prisoners are of such high connection, I thought it would not be unacceptable to you to be informed of their progress through this place.” “P. S. 8 o'clock, P. M. Since the proceed, H. R. H. the duke of Kent has given the duke of Orleans a letter of instruction to the duke of Portland, of which it may be acceptable to you, to be as above, to be confidentially informed.” This was the prince who afterwards governed in France as king Louis Philippe. It is said that he lodged, while here, with a Mrs. Meagher, (a Frenchwoman), and attended service in the small chapel (R. C.) in Pleasant street, and sat in the pew of L. Doyle, esq'r.

Saturday, 14 Dec'r.. died suddenly, at his seat in Virginia, George Washington, commander-in-chief of the army of the United States, after an illness of 23 hours. Croup or inflammatory quincy, (Cynanche tonsillaris.) He died in the 69th year of his age, (born therefore about 1731.)

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## APPENDIX TO CHAPTER XV.

### ( 1. )

In major Barclay's letter, resigning the Speakership, he says : “ I leave this province, which for many years past I have been led to value infinitely beyond the place of my nativity, with real regret. I love and respect the inhabitants of

“ Nova Scotia, and consider them at present as the happiest and most favored people on the globe, I trust they feel with me the superior advantages of their situation, in being possessed of a Constitution which affords protection to their persons and property, and in enjoying every blessing which a wise and affectionate king can dispense to his faithful subjects.”

( 2. )

Monday, 8 April. Died, Foster Hutchinson, esquire, formerly a member of Council, Judge of Probate and Judge of Superior Court in Massachusetts province.

Married, at Lunenburg, on tuesday, 13 August, Lewis M. Wilkins, esquire, Sheriff for the county of Halifax, to Miss Sarah Creighton, daughter of colonel Creighton, of that place.

[*Halifax Journal, Thursday, August 8, 1799.*]

Married, on Thursday evening, by the Rev'd. Mr. Wright, Lieutenant Hutton Rowe, of the Royal Fusiliers, to Miss Geddes, only daughter of Mr. Charles Geddes.

At St. John, N. B., on Monday, the 22d ult., Thomas Desbrisay, Esq., Lieut. Colonel of His Majesty's Royal Regiment of Artillery, to Miss Anna Byles, daughter of the Rev'd. Doctor Byles, Rector of that city, and Chaplain of New Brunswick.

Died at Windsor, Saturday, 5 October, 1799, George Francklin, esq'r., son of the late Michael Francklin, esq'r., formerly the Governor of this province. He was on a visit to his friends, from Quebec, where he was established as a lawyer. His health is supposed to have been impaired by close application.

Died, Sunday, Nov'r 1, Mr. Peter McNab, senior. Funeral from the house of Mr. John Ross.

Died, at Musquodoboit, ou thursday, 21st Nov'r., the Rev'd. James Murdoch, aged 55 years, (my grandfather.) Mr. M. was a native of Ireland, and came over to this province 32 years since (1767) as Presbyterian minister for Cumberland. He has been settled about 8 years at Musquodoboit. His death is much lamented by the inhabitants of that settlement and by his family, he having left a widow and 10 children. (He was previously minister at Horton.)

( 3. )

£200 was granted on the estimate in favor of St. George's church, Halifax.

( 4. )

An act passed in the island of St. John, in November, 1798, to change the name of the island to “ Prince Edward island,” was confirmed by the king in council, St. James, 1 Feb'y., 1799, and published by lieutenant governor Edward Fanning, 13 June, 1799.



## CHAPTER XVI.

1800. Sir John Wentworth mentions in a letter to Mr. King, the under-secretary of state, 20 January, that a Mr. Ross was living at Maroon Hall, endeavoring to give these people 'good impressions of the country whereto he is to attend' 'them.' He also mentions two French emigrant families—"the family of Calonne, now emigrants at Prince Edward" "island," and "the Longueville family, who have resided" "here for several years past." They wished to settle on the Maroon farm.—31 January, the duke of Kent, accompanied by the general Bowyer, and their suites, went to visit the military posts at Windsor and Annapolis, and returned to Halifax on saturday, Feb'y. 1.

The assembly met thursday, the 20 February, (8th general assembly, 1st session.) The members returned were :

County of Halifax : \*William Cottnam Tonge, \*Edward Mortimer, \*James Fulton, \*Charles Morris.

County of Annapolis : \*Thomas Millidge, \*James Moody.

" Lunenburg : Casper Wollenhaupt, Lewis Morris.  
Wilkins.

" Cumberland : \*Thomas Roach, \*George Oxley.

" Kings : \*Jonathan Crane, \*Wm. Allen Chipman.

" Queen's : \*Rich'd John Uniacke, \*James Tayler.

" Hants : \*John McMonagle, \*Shubael Dimock.

" Shelburne : George Gracie, James Cox.

" Sydney : Joseph Marshall, William Campbell.

Town of Halifax : \*William Cochran, \*John George Pyke.

" Truro : \*Simon Bradstreet Robie.

Town of Onslow : \*Daniel McCurdy.

“ Londonderry : \*Samuel Chandler.

“ Annapolis : \*Phineas Lovett, Junior.

“ Granville : \*Edward Thorne.

“ Digby : \*Henry Rutherford.

“ Lunenburg : John Bolman.

“ Amherst : \*Thomas Lusby.

“ Horton : \*Joseph Allison.

“ Cornwallis : \*Lemuel Morton.

“ Liverpool : \*Joseph Barss.

“ Windsor : George Henry Monk.

“ Falmouth : \*Jeremiah Northup.

“ Newport : \*William Cottnam Tonge.

“ Shelburne : Colin Campbell.

“ Barrington : John Sargent.

“ Yarmouth : Nathan Utley.

The 28 members marked \* attended, and were sworn in by a committee of council. (Mr. William Campbell, the member for Sydney county, became attorney general of cape Breton, and in 1811 a judge in Upper Canada—in 1825, chief justice of that province, and was knighted. He had been in a subordinate capacity in the army before the peace of 1783. [*See Morgan's Celebrated Canadians, p. 238.*] He married miss Hadley, of Guysborough.)

Mr. Millidge proposed Uniacke for speaker, and Mr. Moody named Tonge. Uniacke was chosen, and, having been approved of by the lieutenant governor, claimed the usual privileges. Sir John Wentworth, in his opening speech, adverts to the loyalty of the province—the harmony which had prevailed since his appointment—the protection they had from the contagious diseases that affected adjoining countries, and from the ravages of war,—the return of the prince. He also referred to the liberal grants made by the last assembly for public buildings and roads, which had met his majesty's approbation. He mentioned the want of a road on the Eastern shore, from Antigonishe and Manchester to Halifax,—the losses of merchants by captures, and the want of money in circulation, which he suggested should induce them to lower the duties on

spirits and wines. On thursday, 27 February, both houses replied in echo to the speech ; and on friday, 28th, the house addressed the prince duke of Kent in eulogistic terms.—Several seats were contested. Mr. Wallace petitioned against Mr. Tonge, as not having the freehold qualification for the county of Halifax ; Mr. Belcher against Mr. Pyke's return for the town of Halifax, as not having a majority of good votes on the scrutiny. The seats of Mr. Lovett, for town of Annapolis, —of Mr. Morton, for Cornwallis, —Mr. Bolman, for town of Lunenburg, and Mr. Wilkins, for county of Lunenburg, were severally petitioned against. The act for trying elections by committee had not then been passed, and consequently the whole house heard and decided these questions. Mr. Tonge was declared ' not qualified to represent the county of Halifax ' on a division 21 to 5, on the 25th February ; and after hearing Mr. Wallace's counsel, the house resolved that a new writ should issue for the seat so made void. On the 14 March, the return of Mr. Pyke for the town of Halifax was also declared void, and a new writ issued. The other election petitions were heard and dismissed. On saturday, 22 March, the candidates for the vacant seat for Halifax county were Michael Wallace and James Kent. On tuesday following, Kent withdrew, having received but 7 votes, Wallace 437, and the latter was accordingly declared duly elected. The town election was opened at Halifax, wednesday, 9 April, and closed on the 14th, when Pyke had 131 votes, Belcher 196, so the latter was returned member. As Mr. Tonge had been chosen for Newport, the result of the six petitions was only to substitute Belcher for Pyke, and give Wallace a seat. The township of Clements petitioned to be allowed a representative. 37 February, Wollenhaupt and Bolman attended, and were sworn in ; 8 March, Cox and Gracie ; 10 March, G. H. Monk ; 21 March, Utley ; 22d, Colin Campbell and Sargent ; 26th, M. Wallace. —12 March. The house resolved to attend St. Paul's church, where Mr. Stanser, chaplain of the house, preached before them. On the 16th, they ordered his sermon to be printed, (18 March), and they also resolved that Scrope Bernard, esq., should be agent for the province, resident in London. 22nd,

sums of £5000 and £2025 voted for roads and bridges. 28th, the committee recommend a renewal of the lease of building for assembly and courts of justice, hired from messrs. Cochran, for three years more. (This was a large wooden building, where the new post office is now going up.) The public accounts, made up to 31 Dec'r., 1799, and laid before the house 29 March, 1800, shewed a sum of

£16,053 9 5½ then in the treasury.

17,226 0 4½ available securities.

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£33,279 9 10 to credit of province.

10,309 0 0 appropriated.

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£22,970 9 10 currency, balance unappropriated in favor of the province. Of the amount estimated for available securities for duties, £15,000 was in the hands of the collectors of impost and excise at Halifax, and the attorney general; and £2,226 os. 4½d. in the hands of the outport collectors. The probable drawbacks on exportation, &c., had been deducted in the calculation.

The house having passed one bill to continue several revenue acts, H. M. council, 15 April, replied, objecting to this method as one which compelled them to assent to or to refuse all the acts included. Next day the house answered, referring to the lateness of the session; but on the 22nd, the council persisted in requiring separate acts to be sent them. 23d, the house addressed the lieutenant governor on this controversy. Saturday, 26th, he replied, considering it as a mere question of form, and recommending the house to send up separate bills. 29 April, small sums were voted to the speaker and officers of the house and deputy clerk of council, in addition to the previous salaries; and £50 to F. Hutchinson, (a barrister), for drawing bills. A letter from the duke of Portland at this time intimated, that where an act passed, requiring expressly the royal confirmation, if it were not approved within three years, it was to be considered as disallowed. Nineteen acts were passed in this session. On Friday, 2 May, the speaker, in presenting the appropriation act, addressed his excellency,



claiming merit for the house for the sacrifices they had made to close controversy and avoid discord. Sir John complimented the assembly on the prosperous state of the province, and then prorogued it. (Sir J. W. mentions this address of speaker Uniacke as being his individual act.)

23 February. Sir John Wentworth, writing to the under-secretary, Mr. King, describes what he calls a 'rheumatic' 'influenza' as prevalent in Halifax. His lady and his servants, as well as himself, had suffered from it. The duration of the complaint was from 6 to 16 days. He got 'a sad relapse' from venturing out on the 20th to open the session. (The distance he had to go was not great, as the Cochran building is on the East side of Hollis street, while government house stood just opposite, on the site of the Province building.) He says he wishes to have 3d. a gallon only taken off the duties on spirits and wines. He appears to have taken a great aversion to Mr. Tonge. We have seen something of this in his letters about the Maroons, and shall find that the ill will continued, and, it is said, became eventually mutual. Mr. Tonge was a lawyer,—a man very popular and eloquent, and heir to an estate, which, though somewhat burthened, was of great intrinsic value, and on which his father had spent thousands at an early period. If he had any natural ambition, it could not fail to be aroused by such circumstances; and as his talents raised him into public notice, opponents would surely be created.

Sir John goes on to tell Mr. King, "I am in hopes we" "shall have a good assembly, altho' infinite and certainly" "unnecessary pains has been taken by Mr. Tonge to exclude" "several old respectable members, to produce a contested" "election, whence a warmth and bad temper often arises." (Messrs. Mortimer and Fulton were, no doubt, led to offer against the old county members, who all resided in Halifax, more by the wishes of the now large settlements in Colchester and Pictou to have resident members, than by any other inducement.) "In the county of Halifax, comprehending" "great extent and population, he has persisted in a contest," "altho' he was elected for Newport. The only object was"

“to disturb the peace and harmony of the country, by the”  
“tricks, falsehoods and follies used in popular elections. In”  
“the assembly he has violently endeavored to supplant Mr.”  
“Uniacke, the attorney general, in his election to be speaker,”  
“which seat he has repeatedly filled with due ability and”  
“credit. In this offensive attempt he has been checked by a”  
“great majority in favor of Mr. Uniacke. The ensuing pro-”  
“ceedings will probably do more credit to the understanding”  
“of the members than he expects. It is daringly opposing”  
“the king’s government, to create jealousies and embarrass”  
“the duty of the king’s servants, even, if possible, from the”  
“representation where their official knowledge is highly”  
“requisite. Not one measure was agitated in the last assem-”  
“bly of any regret or delay, that did not somehow or other”  
“originate with him, and he is now commencing similar”  
“schemes. This perseverance and its effects are more”  
“astonishing, as he never succeeds in any measure.”

“The Maroons are all ready to embark at an hour’s notice,  
“except two families, who say they have engaged with Mr.”  
“Tonge, and will stay with him. Neither Mr. Tonge nor”  
“the Maroons shall be suffered to frustrate my instructions”  
“to send them *all* to Africa. While government contempla-”  
“ted their settlement here, Mr. T. took part with those who”  
“instructed them to resist.” 24 February, Sir John writes to  
Scrope Bernard: “The assembly have many new members”  
“and several contested elections, obviously arising from the”  
“machinations of one member, actively disseminating dis-”  
“cord and hatred, both in and out of the house, more espe-”  
“cially against those who are in the king’s service, and long-”  
“est established. Strange to tell, this man and his family”  
“exist upon the bounty of government, and thus ungratefully”  
“seeks to subvert its harmony, in which consists its credit”  
“and prosperity, but I think he will be disappointed.”

The recommendation to reduce duties was opposed in the assembly by the country members. The council and the merchants of Halifax were for lowering them, and the council also were unfavorable to granting large sums for the road service, alleging it would be injurious to agriculture, by drawing off

too much labor from the farms. Mr. C. M. Wentworth was this spring on a visit to the United States—was present to hear the debates of congress, and received great attention from the president and officials at Philadelphia, then the seat of the general government. The president spoke to Mr. Wentworth of Sir John—said it was impossible for him to leave his country, but exceedingly wished that Sir John would come to see him in the United States. Sir John sent a bear ham to Mr. Bernard, and another to Mr. King. Of the controversy between the council and house, Sir John tells Mr. Bernard that it arose about rights and privileges ‘which ought never’ ‘to be agitated and never can be defined’—that one or two turbulent, insidious men, artfully fomented the dispute almost to disunion. The address of the house to him was “too” “lengthy to be entirely right and prudent.” That he evaded the particular, and in a very short speech recommended concessions which should leave intact rights and privileges, and this course was successful. Some of the points of disagreement subsisting between the council and assembly in 1800, sprang again into view thirty years later, and then caused great excitement.

In a letter to captain Fenwick, 17 February, the lieutenant governor estimates the militia of the province at 10,000 effective men, and thinks, in case of invasion, that 6000 more would be found able and disposed to serve. 10 April. Sir John Wentworth laid the first stone of foundation of Saint George’s church, Halifax, (called the Round church.) Disturbances having arisen in the island of Newfoundland, the duke of Kent resolved to send a military reinforcement there, and wished an embargo of a secret nature. The council being consulted, advised instructions to custom-house and naval officers, and those of the excise, to delay vessels intended for Newfoundland, as far as by the laws they might, until the men-of-war and troops had sailed. This was strange advice, as the law would not sanction any such delay. In May, the accounts of the armed brig Earl of Moira, employed under the government of the province from 1793 to 1800, amounting to £15132 12s. 1d. currency, and the accounts of the militia, for

work on the fortifications in 1793 and 1795, amounting to £9444 16s. 7d., were passed as approved by H. M. council. An escheat of 65,600 acres in Digby township, which had been granted to Amos Botsford and others, was prosecuted before B. Wentworth, commissioner of escheats and forfeitures. 17 May, the private armed brig *Nymph*, captain W. Pryor, brought in two prizes, one American, the other Danish. They had been condemned (with their cargoes) at Bermuda. The duke of Kent imported four horses of value, to improve the breed in the province.

The British house of commons voted the following sums :

£7950 for the civil establishment of Upper Canada.

5540	"	"	Nova Scotia.
1650	"	"	New Brunswick.
4900	"	"	Island of St. John, (P. E. Island.)
1840	"	"	Island of Cape Breton.
4640	"	"	Newfoundland.

It was ascertained that a transport, the *Frances*, coming hither from England, had been stranded off the isle of Sable in December, 1799, and all on board perished—22 passengers, chiefly military, besides the crew. The passage of vessels across the Atlantic seems to have been unaccountably slow;—for example, the ship *Foster Barham* arrived here 28 May, in 73 days from England. Major general Despard, and E. B. Brenton, &c., passengers.

The singularly restless and industrious man, William Cobbett, had published in the United States a paper called the *Porcupine gazette*. In this periodical he had attacked the French directory, and upheld the politics of the *Federalists* in the United States, a party friendly to Great Britain. The animosity he provoked in the *Democrats*, who sympathized with the French republicans, rendered his continuance in the States no longer safe or comfortable, so he took passage at New York in the mail packet going to England, *viâ* Halifax, with his family, and arrived here on Friday, 6 June. It is said that during his short stay here he dined with the duke of Kent. Intelligence and perseverance had in this case worked



wonders in a short period, so that he who had first landed in Nova Scotia a simple corporal, should so soon sit as a guest among princes and generals. His gazette must have been quite British and loyal, as he had subscribers here.

On 5 June, the prince laid the corner stone of the Masonic hall in Halifax, which was erected on the site of the old main guard house. The prince was grand master of the masons of Lower Canada, and acted on this occasion on behalf of the hon. Richard Bulkeley, the grand master of Nova Scotia. A masonic procession was formed, in which Sir John Wentworth appeared ; and odes and anthems, vocal and instrumental, were performed by the band of the Prince's regiment, (the 7th), under the direction of ' R. W. brother Selby, organist of ' St. Paul's church.'

8 July. Mr. Bulkeley resigned the offices of Master of the Rolls and Register in Chancery, which were conferred by Sir John Wentworth on Mr. Benning Wentworth, and judge Brenton was made a Master in Chancery. This was done with consent of the council, viz., messrs. Blowers, Brymer, Cochran, Morris, B. Wentworth and Brenton.

The final departure of the prince Edward, duke of Kent, was now in contemplation. He appears to have expected to be sent as lord lieutenant or as commander-in-chief to Ireland, and had resolved not to return to America. Sir John Wentworth says, ' a large transport is daily expected from England, ' to take all his carriages, horses, furniture and domestics, ' that cannot be embarked on board the Assistance, which ' will also be stowed as full as a merchant ship.' The duke had been confined nearly a week, with what Sir John calls ' a bilious, rheumatic complaint in his stomach, head and neck,' but was now better. [31 July. John Inglis (afterwards the second bishop of Nova Scotia), was appointed a justice of peace for Aylesford.]

On thursday, 31 July, at 1, P. M., the lieutenant governor and H. M. council presented an address to the duke of Kent, on his departure, expressing their regret. They tell him, that to his presence " may be chiefly attributed the peaceful security we have experienced during the present war ; to your "

"benevolence the indigent have owed their support—the"  
"tradesman and mechanic employment, and the industrious"  
"of every description the means of reaping the recompense"  
"of their skill and diligence." After further remarks, they express a hope that he may receive the rewards which his "eminent virtues and splendid talents will always merit." The townspeople then address him in terms of high compliment. Sunday, 3 August, the prince embarked in *H. M. S. Assistance*. The garrison formed a double line of men to the king's slip, and at 4, P. M., he went through from government house to his barge, accompanied by the lieutenant governor, council, naval, military and civil officers, &c., and reached the ship under salutes from the citadel, artillery corps, and men-of-war, whose yards were manned. The people were on tops of houses and at windows to evince their interest. On Monday, 4 August, the *Assistance* sailed for England, receiving salutes from the batteries as she passed, and the prince arrived at Portsmouth August 31st.

On the 7 August a melancholy proceeding took place at Halifax. Eleven soldiers sentenced to death for acts of mutiny and desertion, were escorted with all solemnity behind the citadel by all the troops in garrison, viz., the Royal Newfoundland regiment, the Royal Nova Scotia regiment, 26th, 24th, 7th, and Royal artillery. The convicts were dressed in white. their coffins painted black, drawn on a cart before them. Two clergymen — Wright, (protestant), and Burke, (catholic) — attending them, a band playing some dirge. On the place of execution, eight were reprieved, and three who belonged to the Newfoundland regiment, were hanged at twenty minutes before 7, A. M. That such scenes are rarely if ever displayed in our times is a subject of gratification, as it proves that humane feelings exercise a sway now that they did not in the days of our fathers.

Sir John Wentworth, accompanied by chief justice Blowers and others, left Halifax to visit the college at Windsor, 15th Sept'r. He wrote the same day to Mr. King, under secretary of state, respecting a dispute about marriage licences. He says that Mr. Stanser was in the habit of receiving the

licenses, and directing them to Roman catholic, presbyterian and methodist clergymen, receiving fees himself. This the bishop disapproved. Sir John says: 'In fact I have been conscientiously a fast friend to the church of England during my whole life, and can prove that both in New Hampshire and Nova Scotia I have done more towards its increase and establishment than all the governors, bishops and clergy that ever resided in them, nor shall I fail to persevere.' He adds: 'This will be presented to you by Mr. Inglis, only son of our bishop. He is a sensible, discreet gentleman.' The sessions for Halifax county at this time authorized the establishment of a military exercising ground on the common of Halifax. It is clear that in so doing they assumed power that the law had not given them.

On the 6 August Sir John Wentworth informed the duke of Portland that 551 Maroons were embarked in the *Asia*, all but three being in good health, and that four had deserted to avoid going to Sierra Leone. Many regret going, and all profess gratitude. 11 September, the corner stone of the new government house, (that which is still used as such), was laid by Sir John Wentworth. A procession went from the former one to the new site, with a band of music playing loyal tunes. Mr. Isaac Hildreth was the architect, and Mr. John Henderson chief mason. Mr. Stanser, the rector of St. Paul's, made a prayer, and the procession returned to the old government house, and partook of a cold collation. 26 Sept'r., Sir John Wentworth, attended by messrs. Wallace and Hartshorne, sailed in the government brig *earl of Moira*, for Sydney, C. B. The winds were contrary, and on sunday, 28th, they put into Liverpool, where a dinner and an address were given his excellency, and on tuesday. the wind proving fair, he left. During October, the lieutenant governor visited Truro, Pictou and Guysborough, and received addresses from the magistrates and clergy.

24 November. Sir John Wentworth writes to the rev. Mr. Sigogne, promising aid to a school, and to secure the Acadians in their lands at Tusket, expressing himself 'fully sensible' of the attachment of the French Acadians to the British government.'

On saturday, 7 December, the hon. Richard Bulkeley died, in the 83rd year of his age, (born, therefore, about 1718, and having been 31 years old in 1749.) He had been twice married. Had four sons by the first wife, and none by the second. His eldest and youngest son died at Jamaica, in the king's service. His son *Freke* held the office of secretary on his resignation, about three years. His sole surviving son, Richard, was in England. Mr. B. was a student of mathematics and languages. The virtues of his life and his clear intellect are commended, and he is said in the obituary notice to have been long the *father of the province*, and is considered as having materially assisted in preserving union and peace here during the troubles of the American revolution. The traditions of the old Halifax families all agree in the impression of the amiable character of this gentleman, who was a native of Ireland.

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## APPENDIX TO CHAPTER XVI.

### ( 1. )

Saturday, 25 January, 1800. Married, by the rev'd. Mr. Jones, Mr. James Tobin, to miss Eleanor Lanigan, daughter of Mr. P. Lanigan, merchant of this town. [*Gazette.*]

Sept'r. 5, friday evening, married, Mr. Thomas Boggs, merchant, to miss Sarah Deblois, second daughter of the late George Deblois, esq'r.

On saturday morning, 6 Sept'r., at Fort Clarence, Mr. Charles Boggs, merchant of this town, to miss Mary Frasier, daughter of doctor Fraser, of the R. N. S. regiment.

Saturday evening, 20 Sept'r., married, by rev. Dr. Stanser, Mr. John Moody, merchant, of this town, to miss Mary Tidmarsh, daughter of Mr. Philip Tidmarsh.

Died, wednesday, 26 March, Mr. Benjamin Salter, merchant, aged 47 years.

Died, at Mrs. Wells's, William Northup, in the 36th year of his age, son of Jeremiah Northup, esq'r., of Falmouth.

Died, 29 Sept'r., monday, Joseph Scott, esq'r., at his residence, at Sackville.

Monday, 1 Dec'r., died, Mr. Anthony Henry, aged 66, printer to the king's most excellent majesty, and for 40 years the publisher of the Halifax Royal Gazette. He was amongst the earliest in this province,—left a widow and daughter—held a respectable and amiable character. [A Gay and H. Merlin, who had been Henry's apprentices, purchased the press, and continued the paper, under the name of Nova Scotia Gazette and Weekly Advertiser.]



( 2. )

For sale, for a term of years, as may be agreed on, a likely stout  
Negro Girl,

Aged 18 years, good natured, fond of children, and accustomed to both town and country work. For particulars, apply at the old Parsonage, Dutch town. 23rd June, 1800.

( 3. )

*Extracted from 'The Provincial or Halifax Monthly Magazine,' vol. 2, pp. 338-349, 1853.*

"In the last, and at the beginning of the present century, Nova Scotians were well known (even as many of those are now, who leave their native land) for loyalty, integrity, energy, enterprise, and indeed for all the active virtues which form the character of the good subject and the useful citizen. As an instance of native bravery, and readiness and energy of action, I take the liberty of forwarding to you the following extract from the Naval Chronicle for February, 1801. Captain Godfrey, the hero of the tale, is well remembered by many persons living in Queen's county, and not long ago an old gentleman who was well acquainted with him gave me the benefit of his reminiscences. He described him as a man considerably beyond the ordinary size, of an exceedingly quiet demeanour, and modest and retiring disposition. This will also appear from the 'plain unvarnished' account which he gives of a most gallant action, as well as from the fact that he declined the command of a vessel of war, which was offered him by His Majesty's Government, not long after the action which he describes took place. At the close of the war he disarmed his privateer, and entered into the fish and lumber trade, between Liverpool, N. S., and the West Indies. In the year 1803 he died of yellow fever, and was buried near Kingston, Jamaica. No stone marks the spot where 'the hero lies sleeping,' and yet many a man, immeasurably his inferior, has been honored by 'storied urn and animated bust,' and enshrined as a hero by the poet and the historian.

#### NAVAL ENGAGEMENT.

Our readers should be informed that the loyal Province of Nova Scotia (America) having suffered most severely in the early part of the war, from the cruisers of the enemy, fitted out a number of privateers in order to retaliate on, and to extort compensation from the foe. Within these four years, twelve or fifteen ships of war have been fitted out by the Nova Scotians, and of this number *one half* are owned by the little village of Liverpool, which boasts the honor of having launched the brig Rover, the hero of our present relation.

We have been favored with the following extract of a letter, dated Liverpool, October 17, from captain Godfrey, of the armed brig Rover, which contains a very modest relation of a gallant action, that reflects the highest honor on capt. Godfrey, and the brave men under his command :

'The brig Rover, mounting fourteen 4-pounders, was the present year built and fitted for war at Liverpool, in this Province ; she sailed under my command the 4th of June last, on a cruise against the enemies of Great Britain, being commissioned by his Excellency Sir John Wentworth, Bart. Our crew consisted of fifty-

five men and boys, including myself and officers, and was principally composed of fishermen.

On the 17th of the same month, in the latitude of  $23^{\circ}$  N. and longitude  $54^{\circ}$  W. we fell in with six sail of vessels, whom we soon discovered to be enemies, one being a ship, with four brigs and a schooner ; the schooner and one brig shewed sixteen the other six guns. These six vessels drew up together, apparently with an intention of engaging us. On consulting with my ship's company, we determined to bear down and attack them, but so soon as the enemy perceived our intentions, they, by signal from the schooner, dispersed, each taking a different course before we got within gun-shot of them. After a few hours chase we took possession of the ship and one of the brigs ; the ship proved an American, bound from the South seas, and laden with oil, and the brig an American, laden with wine, from Madeira ; from them we learned that they had been captured a short time before by a French privateer, which was the schooner in company ; that she mounted 16 guns, two of which were nine-pounders and the rest sixes, and carried 155 men ; and the other three were American vessels which she had taken, one of which was from the East Indies. Night coming on, we were prevented from taking any more of them. On the 10th of September, being cruising near to Cape Blanco, on the Spanish Main, we chased a Spanish schooner on shore, and destroyed her. Being close in with the land, and becalmed, we discovered a schooner and three gun-boats under Spanish colours making for us ; a light breeze springing up, we were enabled to get clear of the land, when it fell calm, which enabled the schooner and gun-boats, by the help of a number of oars, to gain fast upon us, keeping up at the same time a constant fire from their bow guns, which we returned from two guns pointed from our stern ; one of the gun-boats did not advance to attack us. As the enemy drew near, we engaged them with muskets and pistols, keeping with oars the stern of the Rover towards them, and having all our guns well loaded with great and small shot, ready against we should come to close quarters. When we heard the commander of the schooner give orders to the two gun-boats to board us, one on our larboard bow and the other on our larboard waist, I suffered them to advance in that position until they came within about fifteen yards, still firing on them with small arms and stern guns ; I then manned the oars on the larboard side, and pulled the Rover round so as to bring her starboard broadside to bear athwart the schooner's bow, and poured into her a whole broadside of great and small shot, which raked her deck fore and aft while it was full of men ready for boarding. I instantly shifted over on the other side, and raked both gun-boats in the same manner, which must have killed and wounded a great number of those on board of them, and done great damage to their boats. I then commenced a close action with the schooner, which lasted three glasses, and having disabled her sails and rigging much, and finding her fire grew slack, I took advantage of a slight air of wind to back my head sails, which brought my stern on board of the schooner, by which we were enabled to board her, at which time the gun-boats shoved off, apparently in a very shattered condition. We found her to be the Santa Ritta, mounting ten six-pounders and two twelve-pound carronades, with 125 men. She was fitted out the day before for the express purpose of taking us ; every officer on board of her was killed except the officers who commanded a party of twenty-five soldiers ; there were fourteen men dead on her deck when we boarded her, and seventeen wounded ; the prisoners, including the wounded, amounted to seventy-

one. My ship's company, including officers and boys, was only 45 in number, and behaved with that courage and spirit which British seamen always shew when fighting the enemies of their country. It is with infinite pleasure I add that I had not a man hurt; but from the best account I could obtain, the enemy lost 54 men. The prisoners being too numerous to be kept on board, on the 14th ult. I landed them all except eight, taking an obligation from them not to serve against His Majesty until regularly exchanged. I arrived with my ship's company in safety this day at Liverpool, having taken, during my cruise, the before mentioned vessels, together with a sloop under American colours bound to Caracoa, a Spanish schooner bound to Porto Cavallo, which have all arrived in this Province, besides which I destroyed some Spanish launches on the coast.<sup>7</sup>

Such records as the above compose the elements of a country's history. We shall be happy to make our Journal the medium of conveying to the future historian, those incidents of bye-gone days which marked that more eventful, because warlike period, that ushered in the peaceful era which distinguishes our own times."

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#### IN MEMORIAM STANZAS.

BY WILLIAM A. CALNEK, ESQ.

*To the memory of Henry Godfrey, commander of the privateer "Rover," who died in Jamaica, in 1803.*

##### I.

A niche for a name in thy temple of fame,  
 Oh, Acadie, gem of the occident wave,  
 The Muse and the Poet beseechingly claim,  
 For Godfrey, thy Godfrey, the good and the brave.

##### II.

His virtues inspire every note of my lyre;  
 In song softly numbered his worth I would sing;  
 While men value courage or virtue admire,  
 The tribute of praise to his name they should bring.

##### III.

Not love of mere glory illustrates his story;  
 Ambition assailed not the pathway he trod;  
 The "meteor flag," in the battle strife, bore he,  
 For Country and Liberty, Justice and God.

##### IV.

Inspired by his mien, ever calm and serene,  
 Each man with alacrity sprang to his gun,  
 Awaiting the word that should bring to the scene  
 The thunders of battle but fought to be won.

V.

Defeat never fell—so the chroniclers tell—  
In fight on the hero my verse would embalm ;  
And shall not his name with his countrymen dwell,  
While ocean anear chants his funeral psalm ?

VI.

No monument tells where his mortal dust dwells,  
Unmarked, as unheeded, by Caribee's wave ;  
But joyful his spirit exultingly swells  
While floateth the flag, he so loved, o'er his grave.

VII.

“ The hero lies sleeping ” where angels are keeping  
A sentry watch fitting his courage and worth ;  
Where tropical sunlight the landscape is steeping,  
Afar from the land of his love and his birth.

VIII.

A niche for his name, in thy temple of fame,  
Then, Acadie, give to thy patriot son ;  
To GODFREY, whose virtues thy gratitude claim ;  
Whose deeds victor laurels have faithfully won.

*North Williamston, Annapolis, 1866.*



## CHAPTER XVII.

1801. The great event of the British empire which united the two islands, Great Britain and Ireland, under one legislative body, was accomplished and officially made known with great ceremony on the first day of this the first year of the present century. The king assembled a council at St. James's palace. The members who attended were—their Royal Highnesses the prince of Wales, and dukes of York, Clarence, and Kent; the archbishop of Canterbury; the bishop of London; the duke of Portland; marquis of Salisbury; the lord Chancellor; the Master of the Rolls; earls Chatham, Camden, Leicester, Westmoreland, Cardigan, Spencer, Gower, Macartney, Chesterfield; lords Falmouth, Grenville, Auckland, Glenbervie, Cathcart, Walsingham and Hawkesbury; Sir W. Hamilton and Sir S. Cotterel; messrs. Pitt, Dundas, Windham, Steele, W. Dundas; T. Grenville, J. Villiers, Ryder, Fawkner and Grenville.

The members being all assembled, were, agreeably to the Act of Union, sworn in of his majesty's most honourable privy council. The deliberations lasted till a quarter past three, when the council broke up. A signal was then given from the gardens of the Palace, by an officer holding up a white flag, for the Park guns to be fired, which were answered by those of the Tower, in honor of the event. The bells of the different churches were rung on the occasion. The Royal Union Standard was hoisted at the Tower, the Union flag on St. Mary's steeple, the Union Jack on the Parade in front of the Horse Guards, and a new Standard in the Court-yard, St. James's.

A proclamation was issued, pursuant to acts of parliament, passed in Great Britain and Ireland, 'Declaring his majesty's pleasure, that the Royal Style and Titles shall be expressed in the Latin tongue, by these words: GEORGIUS TERTIUS, *Dei Gratiâ, Britanniarum Rex, Fidei Defensor*; and in the English tongue by these words: GEORGE the THIRD, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith. That the arms or ensigns armorial of the said United Kingdom shall be quarterly, first and fourth, England; second, Scotland; third, Ireland; that there shall be borne therewith, on an escutcheon of pretence, the arms of his majesty's dominions in Germany, ensigned with the Electoral Bonnet: That the standard of the United Kingdom shall be the same quartering as before declared: That the Union Flag shall be azure, the crosses-saltires of St. Andrew and St. Patrick, quarterly per saltire counter charged argent and gules; the latter fimbriated of the second; surmounted by the cross of St. George of the third, fimbriated as the saltire.

The standard of the United Kingdom is thus marshalled—

In four great quarters are—1st, on the dexter side, in a field *gules* (red) three lions passant guardant in pale *or* (yellow) for England.

2d. *Azure* (blue) a harp *or* (yellow) stringed *argent* (white) for Ireland.

On the sinister side—3d. Field *or* (yellow) a lion rampant, within a double tressure, flowered, counter-flowered with fleurs de lys, *gules* (red) for Scotland.

4th. Field *gules* (red) two lions passant guardant *or* (yellow) for Brunswick—his majesty's paternal coat.

In base *gules* (red) a horse current *argent* (white) for Hanover.

The shield, *gules* (red) seme of hearts *or* (yellow) surmounted with an electoral cap, proper.

These are to be the arms in all official seals; in all which the English rose, the Scotch thistle, and the Irish shamrock are conjoined, springing from one stem.

The union flag is composed of the three orders of St. George, St. Andrew and St. Patrick.

Dublin Castle, Jan'y. 1.

This day the union of the kingdoms of Great Britain and Ireland having taken place, the guns of the salute battery in the Phoenix Park were fired, and the royal standard of the united kingdoms was displayed upon Bedford Tower.

29 Jan'y. A grant was issued in council, conveying 91,732 acres of land in the township of Digby to Isaac Hatfield and 275 other grantees. Sir John Wentworth seems still uneasy about his own health, and is about to occupy his villa on the Bason, 'the Lodge,' which the prince has much adorned and improved. He was uneasy that there was not one ship of war left here to protect the coast and the trade.

The small pox at this time was prevalent at Halifax. Out of a population of about 7000 persons, 182 had died of this disorder between September, 1800, and February, 1801. A detailed return on the subject will be found in the appendix, prepared by doctor W. J. Almon, a copy of which his grandson, doctor W. J. Almon, was kind enough to give me.

On the 4 February, the stables, coach houses and offices at Sir John Wentworth's villa, the 'Lodge,' were burned, and on the 8th a fire occurred in front of government house, by which many houses and stores on Hollis street were destroyed.

The hon'ble. Alexander Brymer, one of the council, having realized a considerable fortune in commercial pursuits, now returned to Great Britain. He was distinguished for a generous and amiable disposition. On one occasion he interposed in the most liberal manner to save colonel Tonge from the oppression exercised by a heartless creditor against that gentleman in his declining years; and it was through his kindness that Mr. Belcher, the son of the former chief justice, was enabled to enter into business, and become one of the most eminent merchants of Halifax in his day. It is not always that the prudence and industry that elevate the commercial man to wealth are united with honor, humanity and generosity, as was the case with Mr. Brymer; but the instances

where they are found in combination, merit permanent honor and distinction.

10 April. Sir John Wentworth states to Mr. Bernard, the provincial agent in London, that a project had been formed to establish a bank at Halifax, and that £50,000 was subscribed in one hour,—that £100,000 would be subscribed if necessary. He says: "Ten years ago there did not exist" "£6000 in the province that could by any possibility have" "been applied to any one point." A copy of the plan as agreed on in March, 1801, has been lent me by John Duffus, esquire. The project contemplates a capital of £50,000, in shares of £100 each, capable of being increased to £100,000. There were to be seven directors. The cashier was to have £300 a year salary, besides house rent and fuel. They were to issue paper money and discount notes. 'No other bank' 'to be established by any future law of the province during' 'the continuance of the said corporation.' A committee is named on the endorsement, viz., Edward B. Brenton, William Forsyth, Foster Hutchinson, Lawrence Hartshorne, James Foreman, James Fraser, captain Beckwith. The list of shareholders is mutilated, but I observe Charles Hill for 23 shares, capt. Halliburton (afterwards chief justice Sir B. Halliburton) for 20, and most of the leading men in trade, varying from 2 shares to 15 or more. Their programme was drawn with evident care and foresight, but the demand of a monopoly was fatal to its success, and it was accordingly deferred till next session, by the house of assembly, 16 June, 1801. No bank was set on foot in Nova Scotia until 1825, when a few individuals established a private one.

In May, the ships of war, *St. Albans*, 64, *Cleopatra*, *Andromache*, *Pheasant* and *Lilly*, were here fitting for sea, and news of an expected peace with France had been received.

Sir J. Wentworth, writing to Surinam about a claim he had on the estate of the late Paul Wentworth, for £4000 sterling and upwards, with interest from 1789, states: "Since August," "1775, I have not had any intercourse with that country" (New Hampshire) "upon business. In the progress of the" "revolution all my property was confiscated, and my person"



“proscribed, for my loyalty and attachment to his majesty’s”  
“service.”

In council, 9 June. A grant was signed to Joseph Maluson (Melançon ?) and 26 other Acadians, of 4874½ acres at Tusket river, Argyle, county Shelburne.

The assembly met tuesday, 9 June, (8th assembly, 2d session.) The governor, as directed by the secretary of state, recommended the cultivation of hemp. (This was probably in the interest of the navy.) Also, improvement of roads. On the resignation of Mr. Veith, Mr. Charles Stewart Powell was made serjeant of arms to the house ;—and in place of John Neville, dead, Israel Conky was elected messenger. Mr. Belcher, member for Halifax, having been promoted to H. M. council, and Mr. Lusby, member for Aylesford, dead, new writs were issued to supply their places. A man and woman, of bad character, were said to have taken up their abode on the isle of Sable, for purposes of plundering if not causing shipwrecks. The lieutenant governor sent Mr. Seth Coleman there with power to remove them. 16 June. A plan was reported by Mr. Tonge, from the committee on the settlement of the isle of Sable. The house voted £600 a year for expenses there. The Bank bill was deferred to next session, 14 to 9, and resolved that if the establishment of a bank should be attempted without their concurrence, the agent of the province should interfere. 18 June. The public accounts shewed a balance in favor of the province, which might now be appropriated, of £26,275 17s. 0½d. £500 was granted for paving some of the streets of Halifax. £250 voted for a light house at Digby gut. £200 to buy hemp seed. About £9000 was given for roads and bridges ; and £150 for distressed Indians. 14 July. The house addressed the lieutenant governor to obtain the king’s leave to divide Halifax, Annapolis and Shelburne counties, each of which they deemed too large. Bounties on raising hemp were granted ; and after passing 18 acts, the assembly was prorogued on thursday, 16 July.

On 16 June, in council—present, the lieutenant governor, messrs. Blowers, J. Halliburton, B. Wentworth, and J. Brenton—three new councillors, viz., Andrew Belcher, William

Forsyth and Charles Mary Wentworth, were introduced and sworn in ; and a letter from hon. James Delancey, resigning his seat for ill health, was received. As these gentlemen, the new councillors, had been recommended to the secretary of state, and he had not yet sent their mandamus, the lieutenant governor writes to him, 20 June, stating the assembly being in session, " it was with great difficulty a quorum of the council was made to proceed to business. Judge Deschamps " " having been detained on his journey to town by casualties, " " Mr. Morris exerted himself, and was brought to the council " " chamber, though afflicted with a painful fit of the gout, " " which renders his attendance uncertain at present. Henry " " Newton and Thomas Cochran, esquires, are so much impaired in their health and strength that they cannot possibly attend, and probably never will again. Jas. Delancey, " " esquire, has so little hopes of recovering from his declining " " health," &c., " that he has resigned his seat." He goes on to say that he had sworn in Belcher, Forsyth and C. M. Wentworth. Belcher, as contractor for the navy, has to go to England, and he intends to swear in L. Hartshorne on his return from a journey. It seems that the Bishop was this year suffering from the gout also. It would really appear as if, at this period, there were some fatality attendant on high rank and station in our little province, we find so many of the chief men incapacitated by diseases.

The house of assembly had passed a vote of credit to enable the lieutenant governor to settle three families on the isle of Sable. Mr. Seth Coleman reported that light houses of wood might be erected there, and it was proposed to have a cannon placed at each end of the island for signals. 15 August. Lawrence Hartshorne was appointed one of the council by the lieutenant governor, and declaring himself to be a quaker, was affirmed and took his seat. Isaac Deschamps, the judge, having died 11 August, upwards of 79 years old, his excellency appointed George Henry Monk, esquire, assistant judge of the supreme court, in his stead, and made George Deschamps, son of Isaac, judge of probate for Hants county, an office his father held. Mr. Monk had been regularly trained as a lawyer. His

father, who came at an early period into this province, belonged to the profession. His brother, Sir James Monk, rose to be chief justice of Lower Canada, and at one time, I think, administered the government of that province. G. H. Monk, had done much military duty both in the militia and in the N. S. regiment, and was then best known as major Monk, and had also been in the house of assembly. He was a gentleman of upright and honorable character.—On the 26 August, the hon. Thomas Cochran died, at an advanced age, and after a long and painful illness. Sir John Wentworth, on this, recommended the appointment of Mr. Michael Wallace, the treasurer—Mr. Uniacke, the attorney general and speaker, and Charles Hill, an opulent merchant, to have seats in H. M. council. (Of Mr. Cochran's sons, Thomas became a judge in Upper Canada, and was accidentally drowned; William was in the army, and became a general; Sir James is chief justice of Gibraltar. A daughter of his was married to commodore George, afterwards Sir Rupert George, and another to doctor John Inglis, the second bishop of Nova Scotia.)

Sir John Wentworth was embarrassed by the non-payment of the bills for the expences attending on the stay of the Maroons in Nova Scotia. His salaries as governor of Nova Scotia and commissioner of woods, were, it would seem, placed under impressment and suspension on this account. In his letter to the lords of the treasury, 26 August, he calls the Maroons 'a ferocious, sanguinary people, inflamed with deep' 'malice for the injurious breach of faith they conceived to' 'have been exercised towards them, and the distresses they' 'suffered before their arrival from a country which they supposed they spared from ruin.' James Morris was made superintendant of the isle of Sable, and he had four able boatmen under his command. He had served 14 years in the Royal navy, and was also made a justice of peace. Building materials, &c., were sent thither by the earl of Moira, captain Fawson. Fourteen persons were left on the island, and it was supposed the house to be erected would be comfortably habitable by the 1 December. Sir John Wentworth and bishop Inglis interested themselves much in the success of the college

at Windsor. Sir John wrote to the duke of Portland 18 September, urging that a charter should be granted, &c. He also wrote to colonel Barclay, whose sons were students there. 18 October, he mentions to Ward Chipman a rumor that governor Bentinck was to be lieutenant governor of Nova Scotia, and that Sir John was to be 'transplanted to the West Indies.' He goes on to say: "If it is so, I shall leave this country" "with regret. I have so zealously, disinterestedly and industriously preserved the interest and prosperity of this people," "and received so much kindness from them in our social and" "official intercourse, that they, and every individual of them," "are very dear to me. I have this consolation, that I have" "been successful in promoting the improvement, credit and" "respectability of the province; and I am persuaded that we" "shall part, if it must be so, with reciprocal regret. Nor" "will my feelings be limited to this province. New Brunswick has always appeared to me to be the same family," "though guided by two lieutenant governors. My acquaintance and friendship with many, and similar impressions of" "loyalty, which sent us here, have naturally created affections towards them, which their goodness has always" "increased; and I shall ever consider with pleasure, and" "gladly verify by any services in my power, wherever I may" "be destined to exhaust the few remaining years of a life," "faithfully devoted to his majesty's service and to the good" "of his subjects." Writing to Mr. Glenie on the same subject, he says he has learned the lesson of submission to superiors. "The reciprocal affection and kindness subsisting" "between me and this people have created such attachments" "as I cannot remove from without more unfeigned regret" "than the wealth of even Jamaica would compensate to me." "Old men do not kindly transplant more than old trees." "Nevertheless, in this forest of life and politicks, sometimes" "both must take their chances, whatsoever fruit they may" "have borne."

Preliminary articles of peace were signed between England and France, at London, 1 October, 1801; and the necessary ratifications were exchanged on the tenth of the same month,



when the Park and Tower guns were fired in honor of the occasion.

18 November. Doctor Alexander Croke, judge of vice admiralty for Nova Scotia, produced his commission to the lieutenant governor and council, and was then sworn into office.

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## APPENDIX TO CHAPTER XVII.

### ( I. )

Foster Hutchinson, esquire, (afterwards a judge), was at this time an assistant deputy commissary general.

Stephen H. Binney was barrack-master.

John Beckwith, controller of army accounts in Nova Scotia.

E. B. Brenton, deputy judge advocate for B. N. America.

James Boggs, garrison surgeon.

W. J. Almon, surgeon to the ordnance and artillery.

Rev. J. Wetherall, chaplain to the garrison.

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### ROYAL NOVA SCOTIA REGIMENT.

Colonel—Sir John Wentworth.

Lieut. Colonels—Fra's. Kearney, Samuel V. Bayard.

Major—George Thesiger.

Captains—John Solomon, Jones Fawson, Alex'r. Howe, John Allen, William Cox, Joshua W. Weeks.

Captain Lieutenant—John G. DeGeben.

Lieutenants—Thomas Morris, Otho Schwartz, Philip Kearney, Eric Sutherland, George H. Monk, Michael Pernette, Charles Rudolph, John C. Ritchie, John Emerson, Timothy Ruggles, Richard Green, Isaac Glenie, Hibbert Newton, Thos. A. C. Winslow, Alex'r. Hamilton, Chas W. Solomon, John Frazer.

Ensigns—James Moore, Robert Bayard, Henry Green, Thomas Wright, Richard Gibbons, — Walker.

Paymaster—Benning Wentworth.

Chaplain—Robert Stanser.

Adjutant—James Moore.

Quarter Master—Alexander Fraser.

Surgeon—John Frazer.

Assistant Surgeon—John W. Clarke.

( 2. )

## PRELIMINARY ARTICLES OF PEACE

BETWEEN HIS BRITANNIC MAJESTY AND THE FRENCH REPUBLIC, SIGNED AT LONDON, (IN ENGLISH AND FRENCH) THE 1ST OF OCTOBER, 1801 ; THE 9TH VENDEMAIRE, YEAR 10 OF THE FRENCH REPUBLIC.

( *Published by Authority.* )

His majesty the king of the united kingdom of Great Britain and Ireland, and the first consul of the French republic, in the name of the French people, being animated with an equal desire of putting an end to the calamities of a destructive war, and of re-establishing union and good understanding between the two countries, have named for this purpose, namely, his Britannic majesty, the right honourable Robert Banks Jenkinson, commonly called lord Hawkesbury, one of his Britannic majesty's most honourable privy council, and his principal secretary of state for foreign affairs ; and the first consul of the French republic, in the name of the French people, citizen Lewis William Otto, commissary for the exchange of French prisoners in England, who, after having duly communicated to each other their full powers, in good form, have agreed on the following preliminary articles :—

Article I. As soon as the preliminaries shall be signed and ratified, sincere friendship shall be re-established between his Britannic majesty and the French republic, by sea and by land, in all parts of the world ; and in order that all hostilities may cease immediately between the two powers, and between them and their allies respectively, the necessary instructions shall be sent with the utmost dispatch to the commanders of the sea and land forces of the respective states, and each of the contracting parties engages to grant passports, and every facility requisite to accelerate the arrival, and ensure the execution of these orders. It is further agreed that all conquests which may have been made by either of the contracting parties from the other, or from their respective allies, subsequently to the ratification of the present preliminaries, shall be considered as of no effect, and shall be faithfully comprehended in the restitutions to be made after the ratification of the definitive treaty.

II. His Britannic Majesty shall restore to the French republic and her allies, namely, to his catholic majesty, and to the Batavian republic, all the possessions and colonies occupied or conquered by the English forces in the course of the present war, with the exception of the island of Trinidad and the Dutch possessions in the island of Ceylon, of which island and possessions his Britannic majesty reserves to himself the full and entire sovereignty.

III. The port of the Cape of Good Hope shall be open to the commerce and navigation of the two contracting parties, who shall enjoy therein the same advantages.

IV. The island of Malta, with its dependencies, shall be evacuated by the troops of his Britannic majesty, and restored to the order of St. John of Jerusalem. For the purpose of rendering this island completely independent of either of the two contracting parties, it shall be placed under the guarantee and protection of a third power, to be agreed upon in the definitive treaty.

V. Egypt shall be restored to the Sublime Porte, whose territories and possessions shall be preserved entire, such as they existed previously to the present war.

VI. The territories and possessions of her most faithful majesty shall likewise be preserved entire.

VII. The French forces shall evacuate the kingdom of Naples and the Roman territory. The English forces shall in like manner evacuate Porto Ferrajo, and generally all the ports and islands which they may occupy in the Mediterranean or in the Adriatic.

VIII. The republic of the Seven Islands shall be acknowledged by the French republic.

IX. The evacuations, cessions, and restorations, stipulated for by the present preliminary articles, shall take place in Europe, within one month ; in the continent and seas of America and Africa, within three months ; and in the continent and seas of Asia, within six months after the ratification of the definitive treaty.

X. The prisoners made respectively shall, immediately after the exchange of the definitive treaty, all be restored, and without ransom, on paying reciprocally the debts which they may have individually contracted. Dissensions having arisen respecting the payment for the maintenance of prisoners of war, the contracting powers reserve this question to be settled by the definitive treaty according to the law of nations, and in conformity to established usage.

XI. In order to prevent all causes of complaint and dispute which may arise on account of prizes which may be made at sea after the signature of the preliminary articles, it is reciprocally agreed, that the vessels and effects which may be taken in the British Channel and in the North Seas, after the space of twelve days, to be computed from the exchange of the ratification of the present preliminary articles, shall be restored on each side ; that the term shall be one month from the British Channel and the North Seas, as far as the Canary islands, inclusively, whether in the Ocean or in the Mediterranean ; two months from the said Canary Islands as far as the equator ; and lastly, five months in all parts of the world, without any exception, or any more particular description of time or place.

XII. All sequestrations imposed by either of the parties on the funded property, revenues or debts, of any description, belonging to either of the contracting powers, or to their subjects or citizens, shall be taken off immediately after the signature of the definitive treaty. The decision of all claims brought forward by individuals of the one country against individuals of the other for private rights, debts, property or effects, whatsoever, which, according to received usages, and the law of nations, ought to revive at the period of peace, shall be heard and decided before the competent tribunals ; and in all cases prompt and ample justice shall be administered in the countries where the claims are made. It is agreed, moreover, that this article, immediately after the ratification of the definitive treaty, shall apply to the allies of the contracting parties, and to the individuals of the respective nations, upon the condition of a just reciprocity.

XIII. With respect to the fisheries on the coasts of the island of Newfoundland and of the islands adjacent, and in the gulph of St. Lawrence, the two parties have agreed to restore them to the same footing on which they were before the present war, reserving to themselves the power of making, in the definitive

treaty, such arrangements as shall appear just and reciprocally useful, in order to place the fishing of the two nations in the most proper footing for the maintenance of peace.

XIV. In all cases of restitution agreed upon by the present treaty, the fortifications shall be delivered up in the state in which they may be at the time of the signature of the present treaty, and all the works which shall have been constructed since the occupation shall remain untouched. It is further agreed, that in all the cases of cession stipulated in the present treaty, there shall be allowed to the inhabitants, of whatever condition or nation they may be, a term of three years, to be computed from the notification of the definitive treaty of peace, for the purpose of disposing of their properties, acquired and possessed either before or during the present war ; in the which term of three years they may have the free exercise of their religion, and enjoyment of their property. The same privilege shall be granted in the countries restored, to all those who shall have made therein any establishments whatsoever during the time when those countries were in the possession of Great Britain. With respect to the other inhabitants of the countries restored or ceded, it is agreed that none of them shall be prosecuted, disturbed or molested in their persons or properties under any pretext, on account of their conduct or political opinions, or of their attachment to either of the two Powers, nor on any other account, except that of debts contracted to individuals, or on account of acts posterior to the definitive treaty.

XV. The present preliminary articles shall be ratified, and the ratifications exchanged, in London, in the space of fifteen days for all delay ; and immediately after their ratification, plenipotentiaries shall be named on each side, who shall repair to Amiens for the purpose of concluding a definitive treaty of peace in concert with the allies of the contracting parties.

In witness whereof, we, the undersigned plenipotentiaries of his Britannic majesty, and of the first consul of the French republic, by virtue of our respective full powers, have signed the present preliminary articles, and have caused our seals to be put thereto.

Done at London, the first day of October, one thousand eight hundred and one, the ninth Vendemiaire, year ten of the French republic.

HAWKESBURY.

(L. S.)

OTTO.

(L. S.)

( 3. )

The Earl of Moira and schooner Kitty sailed for isle Sable tuesday morning, the 6 October, wind S. W., blowing pretty fresh. Returned the 17 Oct'r. [*M. W's. Almanac for 1801.*]

Among the articles sent in the Earl of Moira and the hired schooner Kitty to Sable Island, were :

1 house frame, 28x18 feet, and 11 feet post. Cost £30.

1 store frame, 16x12 feet, and 8 feet post. Cost £12.

6570 feet pine boards, at 85s. per M. £27 18s. 9d.

A whale boat and oars ; 14 $\frac{3}{4}$  M. shingles.

A bull, 2 cows, 2 sows, a boar, goats, ewes, rams, &c. Provisions, carpenters' tools, ship's hand buoy, &c. Cost of articles, £400.



Captain Fawson, in his report, 15 Oct'r., 1801, recommends the erection of two Light houses, one at East end of Sable Island. The pond is 15 or 16 miles long, and does not freeze.

"The island is capable of supporting a large stock of cattle, as it appears to be well watered and covered with a kind of sedge grass, and an immense quantity of wild peas, which the cattle can feed upon summer and winter, as the snow does not remain but a very short time on the ground, the island being so extremely narrow, and no trees growing on it. The whole surface is exposed to the sea air, which speedily dissolves the snow. The island produces a variety of wild berries, such as strawberries, blueberries, bogberries and cranberries; the latter grow in high perfection. I am satisfied that potatoes, carrots, parsnips, &c., may be raised by proper attention, as in several places there appears a black mould, occasioned by decayed shrubs, intermixed with sand, which, with manure of cattle, would render it fertile and productive." Upwards of 70 wild horses were seen by King in a drove. The pond contains lobsters, &c., eels, flounders, perch. Blue-winged ducks, and other wild fowl, frequent it in their seasons.

(4.)

Halifax, N. S., 29 May, 1801.

My lord Duke.

In obedience to your Grace's instructions, I have the honor to represent the state of his majesty's council for this province, viz :—

Sampson Salter Blowers, esquire, chief justice of the province and president of the council. Resides at Halifax, and attends the duty with great assiduity.

Henry Newton, esquire, collector of his majesty's customs. Resides at Halifax—is far advanced in age, and confined to his house by sickness the last nine months, and still incapable of attending his duty in council.

Alexander Brymer, esquire, has returned to England to reside, and therefore resigned his seat in council.

Isaac Deschamps, esquire, puisne judge of the Supreme Court. Resides at Windsor—attends regularly during the sitting of the Legislature, and occasionally at other times.

Thomas Cochran, esquire. Resides at Halifax, and has attended regularly, but his health being lately much impaired, and being of an advanced age, his future attendance cannot be so regular as formerly.

Charles Morris, esquire, surveyor general of lands, register of admiralty, and surrogate general. Resides at Halifax, and attends his duty in council regularly.

John Halliburton, esquire, physician to his majesty's naval hospital. Is sometimes prevented attending by urgent cases in his professional duty.

Henry Duncan, esquire, in England, appointed deputy controller of the Navy office, which, it is presumed, will prevent his return to Nova Scotia, and must therefore be considered as a vacancy.

James Delancey, esquire. Resides at Annapolis—his health impaired, and still declining, which prevents his regular attendance in council.

Benning Wentworth, esquire, secretary of the province. Resides in Halifax, and attends regularly.

James Brenton, esquire, puisne judge of the Supreme Court, and provincial judge of Vice Admiralty. Resides at Halifax, and attends regularly his duty in council.

There are, by the preceding statement, three vacancies in the council, viz. : Richard Bulkeley, esquire, deceased, as before reported — Alexander Brymer, esquire, and Henry Duncan, esquire, who have left the country to reside in England,—whereto I have had the honor to recommend Andrew Belcher, William Forsyth, and Charles Mary Wentworth, esquires ; and now beg leave to add Lawrence Hartshorne, esquire, a merchant, of great loyalty, integrity and consideration in this province—extensively interested in commerce and real property—who has formerly been a very useful and diligent member of the General Assembly.

I have the honor to be,

With the most profound deference, my lord,

Your Grace's dutiful and most devoted, humble servant,

J. WENTWORTH.

His Grace the Duke of Portland, K. G.,

One of H. M. principal secretaries of state.

(5.)

Return of the Number of the Inhabitants within the Wards, Suburbs and Farm Lots on the Peninsula of Halifax, Nova Scotia, distinguishing the Whites and the Blacks—the Number who have received the Small Pox since September, 1800, by inoculation and naturally, and who have died either way.—Taken between 20th January and 2nd February, 1801 :—

Return of the number of the Inhabitants within the Wards, Suburbs and Farm Lots on the Peninsula of Halifax, N. S., in the year :—

	Men.	Women.	Boys.	Girls.	Total.
Whites,	1924	2489	1790	1669	7872
Blacks,	96	166	81	108	451
In Navy Yard,	25	36	27	27	115
Dutch Village,	15	16	30	33	94
Total—	2060	2697	1928	1837	8532*

\*General total.

	WHITES.													
	Houses.	Families.	NOW LIVING.										Died of the Small Pox since Sept. 1800.	
			Number.			Small Pox.								
			Males.	Females.	Total.	Had it.								
						Natural.	Inoculation.	Total.	Willing.	Not willing.	Total.	Natural.	Inoculation.	Total.
North Suburbs,	228	290	745	726	1471	246	326	572	13	31	44	31	13	44
Nth.BarrackWard	67	93	209	222	431	63	77	140	—	7	7	9	—	9
Pontac Ward	113	137	337	361	698	84	185	269	—	20	20	12	3	15
Market-house do.	100	123	315	339	654	57	123	180	3	14	17	10	3	13
Governor's do.	69	90	210	224	434	50	60	110	—	11	11	9	1	10
Meeting-house do.	145	153	453	419	872	91	197	288	—	22	22	15	5	20
Sth. Barrack do.	137	168	399	416	815	70	232	302	—	23	23	16	10	26
South Suburbs,	108	114	347	368	715	47	168	215	4	16	20	11	8	19
N. S. Peninsula,	33	37	125	119	244	50	38	88	22	6	28	6	1	7
	1000	1205	3140	3194	6334	758	1406	2164	42	150	192	119	44	163

	BLACKS.											
	NOW LIVING.									Died of the Small Pox Since Sept'r., 1800.		
	Numbers.			Small Pox.								
				Had it.			Not had it.					
	Males.	Females.	Total.	Natural.	Inoculation.	Total.	Willing.	Not willing.	Total.	Natural.	Inoculation.	Total.
North Suburbs,	4	7	11	8	—	8	—	—	—	—	—	—
Nth. Barrack Ward	6	8	14	1	—	1	2	—	2	1	—	1
Pontac Ward,	31	29	60	8	5	13	—	6	6	2	—	2
Market-house do.	14	17	31	4	2	6	—	1	1	7	—	7
Governor's do.	14	25	39	9	3	12	—	—	—	3	—	3
Meeting-house do.	16	22	38	9	2	11	—	3	3	2	—	2
Sth. Barrack do.	27	30	57	29	1	30	1	1	2	4	—	4
South Suburbs,	20	16	26	6	3	9	—	—	—	—	—	—
N. S. Peninsula,	5	2	7	—	—	—	3	—	3	—	—	—
	137	156	293	74	16	90	6	11	17	19	—	19

Total Inhabitants, Blacks and Whites—No. 6627.



## CHAPTER XVIII.

1802. Two of the council died early in this year, viz., Charles Morris, 26 January, and Henry Newton, 29 January. Lieutenant governor Wentworth appointed Charles Morris to succeed his father as surveyor general of lands and register of the vice admiralty court; and George Thesiger, major of the R. N. S. regiment, to be collector of customs, in place of Mr. Newton. He also wrote to lord Hobart, secretary of state, to recommend doctor Croke, judge of vice admiralty, G. H. Monk, the judge, Charles Morris, and E. B. Brenton, the deputy judge advocate, to fill seats in H. M. council; and also recommended John Beckwith, (the controller general of army accounts), as a councillor qualified by 'birth, education and abilities.' I cannot avoid remarking the frequent recurrence of appointments and recommendations made by Sir John Wentworth of persons either connected with him by family ties or by the party sentiments he entertained. I doubt not that he acted in perfect honesty naming those in whose principles of uprightness and loyalty he could confide; nor do I believe he willingly passed over any man of marked merit or ability who concurred in his notions of government. But there was at this time an indolence about the colonial office, and provincial governors were left pretty much to their own discretion. Public officers, such as doctor Croke, messrs. Brenton, Beckwith, &c., might be well qualified as far as education and station went, but their almost total unacquaintance with the colony and its people when made councillors, must have rendered them, practically, cyphers in the business brought before them. It will be found

that this error pervaded the administration long after, several gentlemen being made councillors on account of their coming into the country to fill offices, civil and military, in the gift of Downing street. It is obvious that while the members of council filled the double occupation of legislation and executive administration, sitting in private seclusion in the exercise of both functions, and thus exercised an almost unlimited control of public affairs, they should at least have been persons connected with the country by long residence or birth, in order to ensure anything like a reasonable and just course of action. Otherwise they were liable to act wrong from want of information, and would be open to imposition in a thousand particulars.

The assembly met 25 February, (8th general assembly, 3rd session.) Mr. Thomas Law. Dixson was sworn in as member for Amherst. The house, in its reply to the lieut. governor's speech, compliment him highly, referring to a report prevailing of his being removed. They attribute the prosperity of the country to his wise administration, and his unceasing exertions to promote its interests. They mention his perfect knowledge of the country, and the voice of their constituents in his favor. They express the "most ardent hope" for his continuance in the government, and conclude thus: "Should we be deprived of that blessing, we beg to offer our prayers that uninterrupted prosperity and happiness may attend you and your excellency's family, and that your excellency will be persuaded that wherever future events may place you, you will ever be accompanied by the gratitude and affectionate attachment of the commons of Nova Scotia."

1 March. A petition of Edmund Burke, vicar general of the diocese of Quebec, was presented by Mr. Pyke, and read, setting forth that the situation of the Roman catholic youth under his care, in many parts of the province, with respect to the means of obtaining the necessary information for the common purposes of life, is distressful in the extreme, and praying an act may be passed for incorporating the Roman catholic bishop of Quebec, and others, and their successors in office, to enable them to receive donations for the use of such schools

- as they may think proper to erect for the education of such youth. Referred to Robie, Pyke and Wilkins, to examine and report on. An edition of the province statutes, of 400 copies, to cost £650, was resolved on. 100 copies to be given, and 300 to be sold at 27s. 6d. each. (This was the volume edited by Mr. Uniacke, and printed by John Howe and son, king's printers, in 1805.) The revenue secured and on hand was £20,699 9s. 6½d., of which the balance unappropriated was £13,222 12s. 5½d. A survey of the interior parts of the province had just been made by Titus Smith, junior, the expence of which was £181 4s. 8d. Mr. Smith was remarkable for the vast and varied information he acquired in botany, natural history, &c. With a familiar knowledge of most that nature and books could teach an inquiring mind, he united the unfeigned simplicity and kindness that rendered him an agreeable visitor as well in the families of our citizens as in the cottages of the most humble.—£1,590 15s. 2d. appears to have been spent in erecting a meat market house in Halifax. Those who remember this wooden structure will be surprized at its costing so large a sum. Saturday, 13 March. The lieutenant governor stated to a committee of the house that he could not assent to incorporate the bishop of Quebec, a foreign prelate, &c., without first consulting his majesty's ministers, which he promised to do. On Friday, 19 March, the house passed an address to the king, praying that he would retain Sir John Wentworth in this government. At this time the commissioners for building the new government house had received £9,550, and expended £8,900 13s. 5d., leaving a balance of £649 6s. 7d. in their hands. £519 12s. 10½d. had been spent on Sable island for outfit. 25 March. On motion of Mr. Tonge, an address was passed, which referred to the act of 1799, for building the government house. (The act limited the cost of purchasing the ground to £1500, and that of building to £5400.) Stated how much had been expended, and how little progress had been made towards its completion. They requested an enquiry, and that the commissioners should attend to the work. Tonge, Robie and Wilkins were the committee to present this address to Sir John Wentworth.—

26 March. £666 13s. 4d. was voted to defray the expences of obtaining a Royal charter for Windsor college. The subject of government house led to a difficulty with the council. The house had requested of them that Mr. Belcher, one of the commissioners of the building, should attend, to be examined on this business. This the council refused, as being without a precedent in this province, and proposed that the house should send him written questions, to be answered in writing. The house examined Mr. Beckwith, Mr. Hutchinson, and Mr. William Cochran, one of their own members in his place. Meanwhile, the house having proposed to vote £5000 for roads and bridges, the council returned, through a committee of conference, a written statement to them, viz.: "We are" "instructed to say that the council cannot agree consistently" "with the state of the treasury to so large a sum as £5000" "for roads and bridges, but they are willing to concur in a" "sum not exceeding £3500, to be divided and appropriated" "amongst the respective counties in the province, and to be" "laid out by a commissioner to be appointed by the gover-" "nor, lieutenant governor or commander-in-chief, for each" "and every county, under the direction of the justices in" "sessions, &c. &c." On motion of Mr. Tonge, the house resolved "that this house will not receive any proposition of" "an appropriation of public money to any particular service" "from H. M. council; and that an assent or dissent to a" "money vote of this house is the only answer the house can," "consistently with their privileges, receive." They further instructed their committee in conference to say that they were of opinion the £5000 could be voted without hindrance from the state of the treasury, and if a deficiency arose, pledged themselves to provide ways and means to pay it, as that sum was absolutely necessary. The house went on examining parties respecting the government house. Mr. Wallace, the acting commissioner, a member, was examined in his place, and Mr. Hildrith, the architect of the building, at the bar; and the house appointed a committee, messrs. Tonge, Allison, Millidge, Chipman and Gracie, to investigate the estimate and expenditure—state of the building, and value of materials on



hand, and to ascertain the probable expense of completing it. Tuesday, 6 April. The committee reported that the estimate had been exceeded, and the first story only completed, but materials were ready to finish the edifice. 7 April. £3998 was voted for roads and bridges ; £200 for the isle of Sable establishment, and £500 to the poorhouse in Halifax. Friday, 9 April. In committee of the whole house, it was resolved to the following effect : 1. That the commissioners of the new government house had kept no minutes of their proceedings. 2. That four of them, viz., Belcher, Hutchinson, Beckwith and Cochran, were blameable in either not acting in execution of their trust, or formally resigning their commissions. 3. Resolved, that it does not appear that Michael Wallace, esquire, the acting commissioner, did ever communicate to his associates in the commission the estimate of the expence of the work upon which he proceeded. 4. Resolved, that the said Michael Wallace did proceed to act on an estimate which applied only to a part of the undertaking projected by the legislature, and yet, in the very face of it, exceeded the amount of the expence limited by law for the completion of the whole. 5. Resolved, that the conduct of the said Michael Wallace, esq'r., is highly reprehensible, first in having acted generally without the advice and concurrence of those associated with him ; and secondly, by having exceeded the limits prescribed by the very law under which he derived his authority. 6. Resolved, that it does not appear that the said Michael Wallace was actuated by any corrupt motive, but that in the performance of the undertaking he has acted with great zeal, diligence and ability. The last resolution was, that the building must be finished now, or what had been spent on it would be thrown away, though on a scale beyond the wants or emergencies of the province ; and that a new commission was requisite, with a check to present course, acting without concurrence of majority of commissioners. Wednesday, 14 April. The lieutenant governor, by message, declined to alter the commissioners for building government house, on the ground that they were fully competent to their duty—had not offered to resign, and had hitherto conducted themselves in that service to his satis-

faction. Twenty acts were passed ; and on thursday, 15 April, the assembly was prorogued.

Sir John Wentworth wrote to lord Hobart, the secretary of state, in March. Tells him that the revenue is expected to fall off, owing to the peace. Apprehends that the American congress will impose duties of a dollar a barrel on pickled fish, and a dollar on the quintal of dry fish imported there. The winter had been mild, and the want of frost and snow had been injurious to the transportation of produce to market. Measles and other sickness prevailed, which were all attributed to the mildness of the past season. He writes to same again 21 April, respecting the recent session of assembly. He says : " This session was much longer than I expected, when I had " last the honor to write to your lordship, (No. 100), owing to " the violent opposition of Mr. Tonge, naval officer of this " province, who led a party to oppose, embarrass and obstruct " the measures and the officers of government, with a perseve- " rance worthy of a better cause, and with speeches of invec- " tive and virulence, tending to excite dissention between the " council and representatives, and discontent among the peo- " ple at large. By these means even the revenue bills were in " danger of failing for this year. At length a considerable " majority carried all the public business with a discretion " and firmness, greatly to the credit, and, I am convinced, to " the general satisfaction of the province, who certainly do not " approve of schemes to disturb the harmony and general good " will that now prevails."

The definitive treaty of peace between the king of England and the French Republic was concluded at Amiens 27 March, 1802. In council, at Halifax, 4 June, a proclamation was agreed on to notify it here ; and thursday, 8 July, was appointed for public thanksgiving.

June 18 and 20. Fires occurred in Halifax, supposed to be the work of wilful incendiaries. The council met on sunday, 20th, at government house. A military patrol from sunset to sunrise was ordered, which was kept up until 19 December following. Orders were given to search for suspected persons, and passes required for 24 hours after the inquiry. The sum

of 100 guineas was offered for discovery. A family, strongly suspected, was compelled to remove from town to a harbor on the coast,—a boy arrested, confessed attempts to set fire to the dockyard, was sent out of the province.

Sir John Wentworth was at this time relieved from what must have been real distress, the suspension long held over his salaries being removed.

\* The export of plaister of Paris (gypsum) from Nova Scotia to the United States had now become a settled trade, and afforded employment to men and shipping. It was found in the middle states beneficial as manure to the dry lands, resisting the extremest heat and length of summer, and producing abundant crops, where, without it, scarce a blade of corn or grass could be reaped. It was supposed that in this season cargoes would be exported, amounting to 300,000 tons, shipped at 8s. or 9s. currency a ton. Corn, bread, flour, &c., were received in return, but little or no money. The freights earned of course varied with the distances and state of the markets on arrival.

22 June. Sir John Wentworth was notified by lieutenant general Bowyer, that the Royal Nova Scotia regiment was to be disbanded, on which he solicited lord Hobart that they should have half pay, i. e. the officers. 10 August, he recommended that a lease of the coal mines in this province should be granted to William Forsyth, Lawrence Hartshorne, and William Smith.

In council, 21 August, 1802. Present: the lieut. governor, messrs. Blowers, J. Halliburton, B. Wentworth, J. Brenton, A. Belcher, C. M. Wentworth, Law. Hartshorne. The yellow fever having broken out at Philadelphia and Baltimore, health officers were appointed in different parts of the province, and quarantine regulations adopted.

Early in August, 370 emigrants arrived at Pictou, from the island of Barra, in the highlands of Scotland, all Roman catholics. They had been bred up in the fishery, and Sir John Wentworth settled them at Pictou island and the shores opposite. 10 September, the lieutenant governor wrote to lord Hobart. He states that the Roman catholics are numerous

in the province, and increasing in numbers and in zealous activity, In the latter he says "they are stimulated by the  
"reverend Mr. Burke, the priest at Halifax, who assumes the  
"title of vicar general of Nova Scotia. I had the honor to  
"transmit and solicit your lordship's instructions upon his  
"memorial, praying leave to establish a Roman catholic seminary in Halifax. The contributions expected having partly  
"failed, and, I believe, suspecting that a public literary institution for educating youth in this province, wholly to be  
"governed by a priesthood, residing in Canada, and not subject to the visitation or control of H. M. government or of  
"the established church of England, could not be countenanced or permitted, he has, in some degree, changed the plan,  
"and is erecting a large building for charitable education of  
"youth of their own church. This may require more consideration and caution than the former plan more openly designated. I have accordingly notified Mr. Burke, that no school  
"or seminary of education could be exercised in this province  
"but such as were conformable to the laws of England and of  
"this province, confirmed by his majesty; and that without  
"your lordship's approbation, I should not presume to issue  
"any licence for any such school. This notification was  
"delivered officially to Mr. Burke, by Mr. Uniacke, H. M.  
"attorney general for this province, but Mr. Burke still persists in erecting the building."

Sir John Wentworth writes to lord Hobart, 23 October. He acknowledges the receipt of the charter of King's college, Windsor, and informs him that H. M. ships Cumberland, Bellerophon, Ganges, Vanguard, Goliath, Theseus, Elephant, and armed brig Pelican, from Jamaica, arrived at Halifax the 13 September—victualled here, and left again 11 October. He says the men disbanded from the Royal Nova Scotia regiment, the Royal Newfoundland regiment, and many from the Loyal Surrey Rangers and Royal Fusiliers, were all quietly dispersed into various parts of the province. 26 October, Dr. Croke, the judge of vice admiralty, was sworn in as a member of H. M. council, with precedence next to the chief justice, under mandamus of 9 Sept'r., 1802.



M. d'Anseville received at this time from the British government a pension of £166 12s. 4d. sterling per annum.—Parliament granted £1000 sterling to Windsor college, for this year, 1802.

1803. 23 April. Mr. Michael Wallace was sworn in as a member of the council, on a mandamus, and a writ was issued to elect a member for the county of Halifax, in his place. The winter of 1802–1803 is said to have been the mildest that was remembered.

The settlement of Pictou was rapidly progressing. Five thousand inhabitants were already living in that vicinity, and a thousand more were expected that season. The arrival of 845 from Scotland is stated in the lieutenant governor's letter, of 6 August. Many vessels, some of 450 tons, had been built there, laden with lumber and timber, and sold in Great Britain; and it was estimated that fifty vessels, ranging from 100 to 1000 tons each, would sail from the district this year. Some carried timber to the mother country—others, fish, oil, cattle and lumber, to the West Indies and to Newfoundland. The coal mines of Pictou were now attracting notice.

The assembly met wednesday, 1 June, (8th general assembly, 4th session.) William Lyon, esquire, returned for county of Halifax, was sworn in. The balance in favor of the province was £10,557 10s. 8d. Friday, 24 June. A circular letter was communicated to the house, dated Downing street, 16 May, 1803, signed Hobart, addressed to lieutenant governor Sir J. Wentworth, communicating the “unfavorable termination of the discussion lately depending between his” “majesty and the French government,” and that “his majesty's ambassador left Paris on the 13th.” Letters of marque and commissions to privateers are to be issued, and French ships to be captured, &c. The king's share of all French ships and property will be given to privateers. Homeward bound ships should wait for convoys. Committee on accounts of the new government house report that it will take £4216 at least, exclusive of the materials on hand, to complete the building. 27 June. £5710 was voted for roads and bridges, and £3000

to carry on building of government house ; afterwards £1350 was voted for a tonnage bounty, to encourage fisheries. The house claimed, as a right, to search the journals of the council. 15 July. The council stated " that they had not acted on " " the appropriation bills, nor can they do so until the revenue " " bills, which have been agreed to by both houses, shall be " " passed." Saturday, 16 July. Mr. Tonge reported instructions for a conference with H. M. council. They were in substance—That ample provision was made by monies now in the treasury, and secured by duties, &c., by laws in force, " for all the appropriations for the support of H. M. govern- " ment, and the payment of just debts in the province. In " " the bill entitled an act for the future support of H. M. " " government, and for the payment of all legal demands on " " the treasury, &c., now before H. M. council, there does not " " appear to the house any reason, on the grounds assigned " " by H. M. council, to wit, that the revenue bills, agreed to " " by both houses, are now passed, why H. M. council cannot " " take that act into consideration, and give an assent or dis- " sent thereto ;—that, generally, during a course of years " " past, the revenue and appropriation bills have been brought " " up for the governor's assent at the same time, and that the " " revenue bills could not, on the present occasion, have been " " detained in the house, had not H. M. council, by rejecting " " *in toto* the principal appropriations of money for public " " services proposed by the house, left scarce any object for " " which it was necessary to provide a revenue ;—that the " " house is ready and willing to raise a revenue as soon as " " the purposes to which such revenue is to be applied are " " settled and agreed upon, by previous communication be- " " between the two branches of the legislature, which commu- " nication the house is and has ever been ready to hold ; but " " that the house, conceiving it unconstitutional and deroga- " tory to the rights of the subject to raise a revenue until the " " purposes to which such revenue is to be applied are ascer- " tained, cannot give effect to the bills before the house until " " they have assurance of the assent of H. M. council to such " " appropriations as were in contemplation of the house "

"whenever those acts were passed." This report was adopted by the house. The reply of the council, 18 April, was this : "That however ample the house of assembly may suppose the provision made by the revenue acts of last year may ultimately prove to be, for the purposes for which they were intended, the full produce thereof cannot be expected in the ordinary course of payments into the treasury before the middle of the year 1804, possibly never ! consequently H. M. council cannot agree to a new disposition of funds already appropriated, the surplus of which, if any, is yet to be ascertained. The council disclaim all intention of touching on the privileges of this house. Their object is not to invade the rights of others, but to preserve their own." They will readily concur with the house in a reasonable and prudent application of the surplus of revenue which may remain after the ordinary and indispensable expences of H. M. government have been provided for ; and if the house will consent to transact the public business as it has been usually done, no well founded cause of dissatisfaction need be apprehended." Tuesday, 19 July. Stated in conference "That H. M. council expect the two revenue bills, detained by the house, be sent up, to be signed by the president, when they will be returned to this house, to be presented by the speaker for the assent of the governor. The council consider that these bills must be returned, that a revenue may be provided, before they enter upon the appropriation. That the council will agree to a sum not exceeding £4000, to be appropriated for roads and bridges, but contend that they have a right to deliberate on the votes separately, and that was the reason for their not considering the schedule sent up with the vote of £5710."—Wednesday, 20 July. Mr. Morris moved that the speaker sign the two revenue bills. On a division, there appeared : For the motion—Monk, Lyon, Fulton, Chandler, Northup, Morris, McMonagle, Pyke, Rutherford, Thorne, Millidge, Cochran, McCurdy, Moody, Crane, Lovett—16. Against—Dimock, Robie, Morton, Allison, Tonge, Bolman, Oxley, Wollenhaupt, Wilkins, Barss, Chipman, Campbell, C. Campbell, Parker, Cox,

Marshall—16. The speaker, Uniacke. gave his casting vote for the motion. Mr. Tonge then moved a grant of £10,000 to his majesty, as a free gift from the province to assist in the war, which passed, 30 voting for it and but 2 against it. Next day, on motion of Mr. Allison, it was resolved not to send up this vote to H. M. council at present. 22 July. The council object to having more than one bill of appropriation. The house see no reason to alter their appropriation bills as they had framed them. The council sent down one of them, with amendments, which the house made Gautier, the messenger, who had brought it, take back again. Tuesday, 26 July, 1803. Council stated in conference that they had not agreed to or disagreed to the appropriation bills. House resolves to wait on his excellency, and speaker to inform him that the house had provided an adequate revenue by bills which had received his excellency's assent, and had also passed two bills of appropriation, which the council had not agreed or disagreed to, and that the proceedings of the house were thereby at a stand; on which the house waited on the lieutenant governor, and his reply was "that he would enquire into the cause of" "the difficulties stated to him by the house, and use his best" "endeavors to expedite their proceedings." The lieutenant governor, by message, suggests to the house to pass *one* bill of appropriation. 27 July. £10,000 vote to the king, rescinded 16 to 10. Appropriation bill for 1803 passed both houses. £500 voted to pay bounties to sailors entering navy ships on this station, not exceeding £10 a man, not to exceed £2000, Thursday, 28 July. Council disagreed to £2000, seamen's bounty vote. Bill of supply assented to, &c., and the assembly prorogued. The sum voted for roads and bridges was £3850, in sums, the largest of which was £280, and the smallest £20. Commissioners were appointed by the governor and council to expend it, 2 September.

Independant of any disposition which might have existed to oppose or embarrass the governor and council, there was a serious difficulty constantly recurring about the grants for roads and bridges. All the members of the house, and especially those who represented the agricultural population, were



interested and urged by their constituents to obtain as much money as possible for this important purpose. On the other hand, the public officers and councillors, who were all residents in Halifax, felt the necessity of such an appropriation less—had no constituents to face or re-elections to look for, and besides had an interest in securing revenue for salaries, public buildings, &c. Disagreement on this subject was continual, and it had much to do with the contests of the two chambers,—the upper house ever seeking to cut down the sum for roads, while the lower was always ready to increase it.

Sir John Wentworth appears to have identified himself with his council. Indeed, while the same men formed the executive or privy council, whom the governor was bound to consult on all public business, and were also the provincial upper chamber or house of peers, it was almost impossible for a governor to escape this. Sir John tells lord Hobart that the session of assembly began with great good temper, but that a party soon came forth under the lead and guidance of Mr. Tonge,—that this party exerted every nerve to create a dissension between the council and house of assembly. He charges them with “violent language and speeches,” tending to unsettle the public mind, and do mischief in this and the other provinces. He says the officers and men of both land and sea service crowd the lobby (of the house) daily, and hints his fears that they may be misled. He eulogizes the council, and seems to depend on the majority of the assembly as loyal and wise. He says the opposition have been “increased by the addition of William Campbell, esquire,” “H. M. attorney general, counsellor and coal contractor, of” “the island of Cape Breton, who has signalized himself in” “this reprehensible opposition,” (afterwards Sir Wm. Campbell, chief justice of Upper Canada.) He then urges the secretary of state to remove Mr. Tonge from the post of naval officer, and to appoint John Beckwith, esquire, an English officer, in his place. (Beckwith married a daughter of the hon. John Halliburton. Dr. Halliburton’s wife was a sister of judge Brenton.) 25 July. Sir John accuses Tonge of obstructing the passage of the appropriation bill. Speaks of his machi-

nations and virulence. He says : " Various falsehoods are " " circulated, tending to excite jealousys, suspicions and dis- " " sentions, both in the legislature and among the people at " " large. These calumnys are daily refuted, and others circu- " " lated and dispersed, which will also be exposed. In the " " meantime much mischief is done to society." In a letter to the same, 6 August, he treats the £10,000 gift to the crown as a stratagem, hinting that it was passed under the presumption the council would disagree to it, and so seem illiberal. He also says " it is supposed those gentlemen are endeavor- " " ing to create dissentions, with a view to obtain an *elective* " " legislative council, which would make two popular assem- " " blys, instead of three distinct branches in the legislature, " " which obviously changes the form at present established, " " and goes directly to reduce the influence and control wisely " " connected and hitherto exercised for the good of the people, " " who sincerely wish to be easy, quiet and right : if these " " patriotic orators would mind their own business and *their* " " duty."

In September, the desertions from the troops, particularly from the 60th regiment at Halifax, were numerous. General Bowyer offered to pardon such as would surrender. The lieutenant governor sent a circular to the magistrates of the shore counties, urging their apprehension, and menacing impressment of an equal number from the boats and vessels of the coast, unless they gave aid to bring them in. 14 September. An epidemic being prevalent at New York, quarantine of all vessels from the United States was ordered by the lieutenant governor and council.

Mr. Butler about this time produced a mandamus, appointing him one of the council. It was dated 1801. Instead of admitting him to be sworn, Sir John writes to lord Hobart 10 October, renewing his objection to Mr. B. as being a commissary. He also remarks that the date would give him precedence over others in council. Mr. John Howe seems to have been postmaster at this date. In November, Sir John sent circulars to each county, to enforce the alien act, passed in 1798. 24 December he writes to lord Hobart. He charges

the opposition with a desire to pass extravagant votes and empty the treasury, and insinuates a hope they had of finger-ing some of the money. (This could hardly be, as all the commissioners to expend money were named by the governor and council.) He argues points all through for the council, as an advocate on their side.

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## APPENDIX TO CHAPTER XVIII.

### (1.)

8 January, 1803. Sir J. Wentworth sends to Scrope Bernard, esq'r., 414 lbs. Nova Scotia dumb salt fish, and in a deal box 18 quarts American hickory nuts.

### (2.)

In council, 22 February, 1803. Grant to S. V. Bayard and 4 others, loyalists, of 4737 acres in county of Annapolis; B. Dodge and 3 others, 1495 acres.

### (3.)

In council, 2 April, 1803. Accounts of R. N. S. regiment, for levy money, cloathing and contingencies, from 25 June, 1801, to 1 April, 1803. Amount, £3290 9s. 9½d., were passed.

### (4.)

30 April, 1803, saturday. Press warrant for 50 men, to be in force ten days, granted captain Bradley, H. M. S. Cambrian.

## CHAPTER XIX.

1804. In February, Sir John Wentworth wrote to the secretary, lord Hobart, that 70 or 80 cargoes of timber would be exported from Nova Scotia this year, and that 600 cargoes might be sent if encouragement were given. He adds : " The growth of provisions, the indispensable basis of all other industry, increases greatly, and will soon be abundant, good and cheap, except in bread corn, for which there are sufficient lands of proper quality to produce a superabundance of every sort as any in America, but from want of encouragement is not sufficiently attended to, and of course considerable sums of money are continually drained from hence to the United States of America, to purchase bread and flour for the inhabitants of the sea port towns, and to supply the king's stores."

Several strange Indians having been among the Micmacs, Sir John Wentworth suspected that mischief was intended, as some of our Indians appeared in *war paint*. He says the Micmacs can only bring 200 men to any purpose they may have. Ideas of a French conquest seem to have been spread among this tribe. The Mohawks, their ancient foes, whose name was still a bugbear, was made the pretext for their preparations for war, in building canoes, &c.—In April he tells lord Hobart that the trade of the province has suffered by numerous captures, and other losses of its vessels—from low prices obtained for fish in the West Indies, " where they found the Americans underselling them, even in fish purchased from Nova Scotia." The timber trade had pros-



pered, and 20,000 tons would be ready for exportation. The export of plaister of Paris and grindstones to the States would amount to £8000 or more. Fish and oil would also be sent abroad. The country was capable of producing more corn and bread than it required, but the want of agricultural skill and attention compelled an import of flour.

General Brunet and his suite were sent here on their way to England. They became prisoners to the English, at St. Domingo, and were placed by the lieutenant governor at an Inn, near the Lodge, on Bedford bason, (the Rockingham Inn.)

Sir John Wentworth was using precautions for defence in case of an invasion, in getting the militia organized. He also recommended gratuities to the Indians, to the extent of £500 per annum.

Saturday, 19 May. By command of his majesty, John Butler Butler, esquire, was admitted and sworn as member of H. M. council, to take his place according to the date of his mandamus. He was placed in precedence accordingly, next to judge Brenton. Lawrence Hartshorne, esquire, on this, resigned his seat in council; and Sir John Wentworth tells lord Hobart "that upon this occasion there appears much" "less solicitude among the most respectable people to succeed to an appointment at the board than heretofore."

On thursday, 21 June, the assembly met, (8th general assembly, 5th session.) Chief justice Blowers, president of council, and Richard J. Uniacke, speaker of assembly. S. S. Poole was returned and sworn as member, in place of Nathan Utley, deceased, for the town of Yarmouth. By the public accounts, the amount of money and securities for revenue in hand was £13,690 4s. 10½d., from which £5,358 4s. 4d. appropriated before being deducted, the sum left at disposal of the assembly of revenue to December 31, 1803, was £8,322 os. 6½d.—29 June. A committee of the house recommended the pulling down the old market house in Halifax, and erecting a building thereon as a court house, &c. The old building was of wood, on the site of the present city court house. 4 July. A message from lieutenant governor Wentworth was sent by the

provincial secretary, Benning Wentworth. In this he recommends £3200 for roads and bridges to be granted,—the commissioners, to be appointed by the lieut. governor—the sum to be expended by the commissioners under instructions from the governor, and accountable to the executive only ; £2500 towards completion of the new government house ; £100 for a clerk to the treasurer ; £100 for repair of the grammar school ; £400 for the isle of Sable establishment, and £200 or £250 to repair the militia arms. (This, if adopted, would dispose of £6450, leaving but £1882 os. 6½d. in the discretion of the assembly.) 5 July. The assembly replied, that they would grant a sum of money for the roads and bridges, “to” “be expended and accounted for in the mode heretofore” “adopted,” and that they would take the other objects of his message into consideration in committee of supply. 11 July. Sir John, by message, stated to the house, that in regard to the vote for roads and bridges, he “had no intention to” “obstruct the application of any sum within the ability of” “the province to so important and beneficial a measure, or” “to deprive the assembly of the constitutional right of enquiring into the conduct of all public accountants, or directing” “the prosecution of delinquents in the expenditure of public” “money. My object is merely to reserve to the executive” “government the general superintendence and direction of” “all appropriations of monies granted to the crown for public service, and the control of such persons as should be” “appointed to expend the same ; and these powers being” “prerogative rights, although they may have been in some” “instances left to the management of the assembly, may be” “constitutionally resumed by his majesty’s representative” “whenever he thinks the general interest requires it.” (I do not see exactly what was the point of difference on this occasion, as I find the commissioners for expending the road votes had previously been named by the governor and council after the close of the session.) Thursday, 12 July. The council, by message, inform the house as to the road votes. “They think the particular distribution should be left to the discretion of the executive government, who have the means of investiga-

ting the propriety and determining the utility of such distribution, and of enforcing the due performance of engagements which may be made by the persons to be employed in such service." The answer to this was : "The house of assembly, "in answer to the message of H. M. council of this day, on "the subject of the road votes, have only to observe that they "are finally determined to adhere to the usual mode of grant- "ing and applying money for that service. The house has "already voted the revenue for the ensuing year, to be continued the same as it was the past year, and when the appropriation of such revenue shall be agreed on, will pass bills for "its continuance." This reply was adopted on a division by 28 to 1. For the motion : Pyke, Campbell, Moody, Rutherford, Pool, Gracie, Bolman, Lovett, Fulton, McMonagle, Mortimer, Marshall, Chipman, Northup, Lyon, Cochran, Wilkins, Oxley, McCurdy, Dixon, Dimock, Wollenhaupt, Morton, Robie, Crane, Thorne, Allison, Roach—28. Against the motion : Mr. Monk. [N. B. Mr. Tonge's name does not appear this session till 20 July.] Saturday, 14 July. The lieutenant governor sent to the house a message respecting £3200, which he had recommended to be voted for roads and bridges, to be expended under his authority, in which he subdivides it into several purposes, inclusive of £465 for casualties and contingencies. Monday, 16 July. The house replied to the message of 14 July, thanking his excellency for the information it contained, and informing him that previous to receiving it they had voted sums for roads and bridges, including most of those proposed in his message, and had sent the votes up to the council for their concurrence, and there they remained. 23 July. On motion of Mr. Tonge, the thanks of the house were voted to ensign Henry Torrens, 29th regt., for exertions to save life and property at Sable island, and next day £50 was voted him as salvage. Wednesday, 25 July. £2500 was voted for completion of the new government house, by a division of 18 to 13. 26 July. A conference between the house and council took place respecting the appropriation bill, the council wishing the clauses that regulated the appointment, conduct and responsibility of commissioners of roads, to be

omitted. [See act 1801, *Uniacke's statutes*, p. 452, 453.] To this the house declined their assent. Thus no bill of appropriation was passed; and on Friday, 27 July, the lieutenant governor having assented to the revenue and other bills, after expressing his regret that a difference of opinion between the two branches had prevented the passage of the appropriation bill, told them it would not be of great inconvenience, as the 'concurrent votes' would be paid, as was the old practice before appropriation bills were in use here, and that he would pay the usual salaries, contingencies, and members pay of 10s. a day, to such as would receive it, out of monies granted and not appropriated. (This was exceedingly plausible and cool, but it happened that an act of 1801, then in force, forbade the treasurer, under £500 penalty, to pay any sum not directly authorized by a provincial act. [*Uniacke's acts*, p. 454.] At this time, part of the revenue collected in the colonies did not come under the authority of the provincial assemblies, but was disposed of by the colonial secretary, being received under English acts of parliament, passed before the year 1778, when parliament relinquished its power of taxing the colonies; but as to the little revenue over which our assembly had control, it is perfectly clear that the council at this period, backed up by the lieutenant governor, had not only the desire but the ability to deprive the representatives of even the shew of jurisdiction. His excellency then prorogued the assembly.

Sir John Wentworth wrote to lord Hobart 23 June. He says invasion is apprehended from the frequent arrival of French troops and ships in the United States. The militia are deficient in arms, ammunition and clothing, and the provincial revenue greatly diminished. 600 militia could assemble in an hour, and 600 good artillery could be mustered in a short time. If the war continues, he recommends that an armed brig of 150 tons, with 36 men, should be employed to secure the coast from picaroons. He then recommends Hibbert Binney, esquire, to be a member of council.

In July, it would seem that Sir John Wentworth had been reconciled with Mr. Tonge, or at least had made a truce with



him, as there is a very friendly letter of 9 July from his excellency. [*See appendix.*]

October 3, at 9, A. M., general Bowyer caused a false alarm to be given at Halifax, in order to ascertain what aid might be expected from the militia in case of an attack. Before 10, A. M., 961 men were embodied and distributed by the general to the several batteries and posts. Of this number, near 200 were well-trained artillerists,—about 80 expert riflemen,—one company of grenadiers,—one of light infantry, and one battalion company, completely armed, clothed and disciplined. The remainder were not clothed in uniform.

## APPENDIX TO CHAPTER XIX.

(I.)

Monday, 9 July, 1804.

### REPORT ON ISLE OF SABLE.

That the number of persons saved from shipwreck since the establishment was made on said island, are as follows :—

From the ship Hannah & Eliza, of Boston,	13 persons.
ship Union,	11 “
ship Stark Odder, of Copenhagen,	5 “
schooner—of Lunenburg,	4 “
brig Harriott, of Newcastle,	8 “
	—
Total,	41 “
	—

That it appears from the Commissioners' account, that property has been saved from the wrecks as under :—

From the ship Hannah & Eliza,	£207 4 10
ship Union,	158 8 4
ship Stark Odder,	65 19 6
brig Harriot,	1458 12 4
And from a schooner from Mirimichie, about } 340 barrels pickled salmon, not yet brought } from the island, supposed worth	410 0 0
	—
Total,	£2300 5 0

( 2. )

William Cottnam Tonge, esquire.

Lodge, near Halifax, 9 July, 1805.

Dr. sir. I have this moment received your obliging letter of 22d June, from Scoudic river, and lose no time in presenting my acknowledgments for its very useful contents. The settlement of Scotch emigrants in the district of Digby cannot fail of being highly beneficial both to the province and to those people, whose disappointments in attempting to obtain settlements in other places, may be happily terminated, by establishing themselves in that part of Nova Scotia which you have recommended to them. I shall and do hereby advise the commissioners to adopt the expence incurred in aiding their removal, and in locating them on the ungranted lands in proportions similar to those occupied by the emigrants settled at and near Poictou. I daily expect instructions for granting lands. In the meantime those will have license of occupation, and every other encouragement in my power, which you may recommend to be extended for their advantage and comfort. There are several large ships from England, Ireland and Scotland, arrived at Poictou, without passengers. The people of Ireland were numerous, and desirous to embark for the United States, but thought Nova Scotia too cold and barren. In the other kingdoms emigrants were changed into soldiers and sailors of various denominations, for the defence of the country against the long menaced invasion. We have not later news than you will find detailed in our newspapers. I shall therefore only now add my best wishes for the recovery of your health, and that your journey may be attended with every felicity.

I am, with due regard,

Sir,

Your most obedient,

Humble servant,

J. WENTWORTH.

## CHAPTER XX.

1805. In the early part of this year a riotous affray took place at Shelburne, between a party of recruits for the 'York' 'Rangers,' and some of the inhabitants. Sir John Wentworth wrote to the magistrates there, (21 January), stating that lieutenant general Bowyer would order "the black recruit" "Chance, and also McEvoy, to be immediately removed from" "Shelburne, as they appear to have been the cause of the" "disturbance." If the magistrates think it necessary, he will remove the whole party. In March, Sir John Wentworth notifies Mr. George Leonard that ten families of loyalists are desirous to remove from New England, to settle upon their lands near the river Antigonish, where they had relatives and connections already settled. In April he writes to earl Camden, now secretary of state, that it is reported the French fleet, having escaped from Rochfort, was plundering in the West India islands, and was apprehensive of their visiting these coasts, and sheltering in the United States. The arrival of vice admiral Sir Andrew Mitchell, in the *Leander*, accompanied by the gun brig 'Busy,' had re-assured him. A French prisoner having murdered one of his fellow captives, was, with some difficulty, rescued from the others, who were present and saw him do it. His excellency was requested by captain McKellar, agent of prisoners, to issue a special commission to try the case, but Sir John thought it might prove an excuse to the French to inflict sudden cruelty on English prisoners, so he declined to interfere, as the regular court would meet in July. Several deserters from H. M. service, and some escaped

French prisoners, were understood to be hovering and concealed about Prospect, Aspotogon and Lunenburg. A party of Chester militia tendered their services to apprehend the deserters who were possessed of arms. Sir John (3 May) requested lieutenant general Bowyer to issue 7 stand of arms to lieutenant Covey, of the Chester artillery company. He says more than 200 men in the district of Chester are unarmed, the regiment having increased more than that number since arms were issued to colonel Creighton. A young Nova Scotian, Thomas Cochran, son of the hon. Thomas Cochran, a judge in Upper Canada, was this year drowned. [*See verses in appendix.*]

4 May. Vice admiral Sir Andrew Mitchell wrote to the lieutenant governor, complaining that deserters from the navy were often harbored and concealed—stating that “combinations of merchant ships assisted therein,” and that the ships under his command were deficient of men, and asked for a press warrant on this account. The governor and council referred them to the English act, 19 Geo. 2, c. 30, and the provincial law of 32 Geo. 2, for apprehending deserters and punishing those who harbored them, as they had no power on the subject, and further granted him a press warrant for 14 days, under the customary restrictions. It was so drawn as to enable the vice admiral to delegate the authority to as many officers as he should think proper. Mitchell was dissatisfied, and asked to have several press warrants issued, and made to remain in force for six months. 18 May. The council took this last request into consideration, and advised his excellency that there was no precedent to be found in this province for the adoption of the measures the vice admiral had suggested, and that if such a course were resorted to, it would, in their opinion, produce the most alarming and injurious consequences to the country, without contributing, in any material degree, to the obtaining the object sought by it. If seamen only were taken, there would not be found in the province as many as half the complement of a sloop of war. The West India trade had been almost annihilated by captures, ‘and our sea-faring men are’ ‘either dead or confined in French prisons, many of whom’



‘have left numerous families, to be supported by the poor’ ‘rates or private charity.’ The seamen arriving here in ships from Europe are drawn hence to the United States, by the dread of impressment, and prospect of good wages. From the yet limited trade of the province, it had been found by experience, that pressing on shore had but a small effect for manning the navy, and the fisheries have been greatly on the decline from the effects of the war. They say that the captains of H. M. ships, under the admiralty warrants, exercise the right of impressment of seamen found on ships in the harbours of the province, and have ample authority by law for the apprehending and recovery of deserters. Pressing on shore is attended with much disturbance and annoyance to the laboring poor, and others, not liable to the impress or not fit for the service. Finally they advised his excellency not to extend or renew the impress warrant for the present. Some time after a difficulty arose between the captain of H. M. S. *Leander* and Mr. Lyon. The captain sought to prosecute Lyon, but the solicitor general said he thought no verdict could be obtained against him. The subject of their dispute is not stated. It is said Sir A. Mitchell had to pay heavy damages to Forsyth & Co., for breaking open their stores to look for deserters.

The Frenchman who had killed his fellow prisoner was tried, convicted, and sentenced to death; but as the case was novel, Sir John Wentworth respited his execution—sent chief justice Blowers’ report of the trial to earl Camden, secretary of state, and prayed for instructions.

In July, Sir John Wentworth wrote to the poet Moore, sending him a pen and ink drawing of a landscape, (in Nova Scotia), the work of the rev. B. G. Gray. He says: “I hope” “the drawing will meet your approbation, and that both it” “and the scenery it represents will be brought into favorable” “notice, by being prefixed to your intended publication,” “which I shall be anxious to possess, that I must now solicit” “you to send me the book as soon as it is published.”

The new establishment on Sable island had proved in the past winter the means of saving the crews of two wrecked

vessels. The season had been very severe there, and supplies not arriving in the spring owing to bad weather, four wild horses were killed for food. Many swine and sheep were killed by the frost, which effected one good for the island in destroying an 'incredible' number of rats. Several vessels had been warned off, by signals, from running down on the island. About 40 feet in breadth and three miles in length had been washed away by the sea from the north side of the island, which increased the danger of landing. One family, settled near the middle of the island, had been withdrawn for want of funds. Oats, Indian corn and kitchen garden vegetables, prospered there.

A sword, of 120 guineas value, was presented to lieutenant general Bowyer, on his leaving Nova Scotia, by the principal inhabitants of Halifax. [*Sir F. W. to Mr. Bernard, 27 July, 1805.*] Sir J. W. acknowledges a letter from earl Camden, and tells him that he has accordingly notified Mr. Hill that he is to have a seat in H. M. council.

His excellency at all times gave much attention to the militia of the province. They were but scantily supplied with arms. Many of his letters remain, requesting of the generals who commanded in this garrison supplies of muskets—40 for one company, and 20 or 30 for another. Lieutenant general Gardiner had replaced Bowyer, and he enquired of Sir John what assistance could be expected from the militia to man the batteries in the harbor, and pointed out the necessity for such volunteers to practise at the great guns twice a week. From the lieutenant governor's reply, we find there were three battalions of Halifax militia. Of these, the companies of captains Morris, Bremner, and Fillis had volunteered, (the law requiring only 4 days duty in the year.) Fillis commanded 60 men, who had begun their artillery exercise. Captain McIntosh's company were to do duty at York redoubt, being fishermen, living near it. Sir John suggested their being instructed on Sunday afternoons, as they were generally employed in their boats in the week. There were companies of artillery in other militia regiments who had been instructed by men from the force who had been discharged and settled in the province.

“ One company of 40 men, under captain Thompson, reside ”  
“ near Chester, and from their situation may discover the ”  
“ approach of an enemy before it can be known here. This ”  
“ company will, in a few hours, be able to join York redoubt. ”

In many respects the province was prospering. More dried fish was preparing this summer than at any preceding season, and the pickled fish business was on a large scale. Agriculture was gaining ground. The greatest harvest was gathered in that had ever been known in the province. Provisions of most kinds were supplied for the army, fleet, dockyard, from 500 to 700 prisoners of war, and the town ; and exports made to Bermuda and Newfoundland. The arrival of three ships of the line, whose companies had to be subsisted, made no difference in prices. Sir John Wentworth says that 12 years before provisions were imported from New England for the constant supply of the Halifax market. It is true that then, as now, large quantities of flour were brought here from the United States.

The college at Windsor was now under the new president, rev'd. Mr. Coxe, of Worcester college, Oxford. The expences of a student there were estimated at £50 sterling, exclusive of clothing, and of a pupil of the academy attached to it at £40.

On friday, 18 October, the council established quarantine for all vessels arriving from Philadelphia, New York, and other ports of the U. States and the West Indies, as an epidemic yellow fever was raging in those places. The king had referred the fate of Pierre Paulin, the French prisoner sentenced to death for the murder of his fellow prisoner, to the judgment and discretion of the lieutenant governor, who took the advice of the council. Their opinion was that he should be executed. His excellency ordered the sentence to be carried out on thursday, 24 October.

Vice admiral Mitchell assumed authority to send press-gangs into the streets of Halifax, without any warrant from the civil power, and seizing men for his ships. A party of sailors and marines, armed with bayonets, being sent ashore from H. M. S. Cleopatra, a riot ensued, in which ‘ a person ’ was

seriously wounded by one of the marines. His excellency, on this, convened the council, saturday, 23 November. They advised him to direct the solicitor general to prosecute all persons belonging to any of the ships who should be found employed in such impressment, and to notify Sir A. Mitchell of its illegality. This last he did by letter, with a copy of the resolution of the council. (Mr. Uniacke, the attorney general, had gone to England on leave of absence.)

The assembly met on thursday, 28 November, (8th general assembly, 6th session.) Twenty-four members attended the house. The clerk read a letter from Uniacke, speaker, stating his leave of absence for 6 months,—that in 22 years, as member, he had never been a day from duty, and asking them to choose a speaker *pro tempore*. The lieutenant governor then sent for the members, and prorogued the assembly until saturday, 30, when twenty-eight members attended. Jacob Van Buskirk was sworn in, *vice* Cox, deceased, member for county Shelburne. A message was sent by hon. J. B. Butler to choose a speaker. J. G. Pyke and William Cottnam Tonge were each proposed, and the latter chosen. On being placed in the chair, he said : ‘Gentlemen, I feel this to be the most’  
‘honorable day of my life. The exalted station in which’  
‘your favorable opinion has placed me has long been an’  
‘object, and, I trust, a laudable object of my ambition : but’  
‘to succeed as I have done, without intrigue, without per-’  
‘sonal solicitation, or the influence of party, by the voice of’  
‘so great and respectable a majority, is highly gratifying to’  
‘my feelings. Gentlemen, I am fully conscious of wanting’  
‘numerous qualifications necessary for filling worthily the’  
‘honorable seat you have given me ; but I trust my exertions’  
‘to promote the honor of the house, and support its just’  
‘rights, and my strictly impartial conduct, may prove me, in’  
‘some measure, worthy of the distinguished mark of confi-’  
‘dence you have conferred on me, so that those who have’  
‘favored me with their voices may not repent their choice,’  
‘and those who have not may be finally satisfied with that’  
‘which is made.’ The speaker elect, having been approved by the lieutenant governor, addressed him as usual, saying,



among other things : “ I trust that my zealous and loyal ”  
“ attachment to my sovereign and his government, and the ”  
“ warm interest I have in the welfare of this my native coun- ”  
“ try, may compensate, in part, for that deficiency, and that, ”  
“ in your excellency’s goodness, I shall find excuse for the ”  
“ rest ;” and he ended thus : “ Finally, I beg your excel- ”  
“ lency to receive my solemn assurance, that in my present ”  
“ important office, it will be my pride, as I feel it my duty, ”  
“ to promote with the utmost of my ability the honor of ”  
“ H. M. government, the ease of your excellency’s adminis- ”  
“ tration, the general welfare of this province, and to advance ”  
“ and maintain that harmony which ever ought to exist ”  
“ between the different branches of the legislature.” The  
lieutenant governor then opened the session with a speech, in  
which is this passage : “ In all your discussions, you will ”  
“ naturally recollect, that the legislature, being deliberative ”  
“ bodies, independant of each other, it is of the utmost impor- ”  
“ tance to avoid anything which may occasion irritation ”  
“ between them, and to exercise towards each other such ”  
“ moderation as may tend to conciliate harmony,” &c. Messrs.  
Morris, Robie and Campbell were the committee to prepare  
the reply. In this the regret of the house was expressed at  
the delay in calling the house together, as they had passed the  
revenue laws, extended to an unusual time, in full confidence  
of an appropriation of them taking place. This answer was  
received by his excellency on the 9 December. Tuesday,  
10 Dec’r. The committee of the house on public accounts  
reported that the balance of £1361 9s. 8d. in the treasurer’s  
hands he declined to account for, but said “ he had money ”  
“ or money worth to the amount, which he will be ready to ”  
“ pay when called for.” The balance on the account in favor of  
the province, or sum to be appropriated, was £22,482 4s. 11d.  
On saturday, 14 December, the lieutenant governor, by mes-  
sage, informed the house that he had removed into the new  
government house, and that they might act upon the law of  
1799, which gave them the old government house for the  
assembly, courts, and public offices. The house decided,  
24 December, to use the old government house for the assem-

bly and courts of justice, and the council concurred. An appropriation bill, sent up by the house, was the subject of messages and disagreements between the two branches. Sir John Wentworth, by message to the house, justifies the treasurer, as he had drawn nearly £5000 on concurred votes, and the balance was in hand in cash and securities. 26 Dec'r. A money bill, amended by the council, was 'thrown under the' 'table,' and another similar bill shared the same fate. 28 Dec'r. The committee of supply voted £12,000 for civil list, £6,000 for roads and bridges, £2,000 agriculture, £3,000 fisheries, £2,500 for the new government house, £500 bounties to seamen to enlist in H. M. service, conditioned that no inhabitant or fisherman be impressed. 30 Dec'r., the lieutenant governor stated that £2000 would be required further for completion of the new government house.

1806. Wednesday, 8 January. An act for the encouragement of agriculture, amended by the council, being viewed as a money bill, was ordered to be thrown under the table.— Friday, 15 Jan'y., voted—to finish government house, £1616; relief of debtors indigent in jail, £50; to attorney general, revising laws, £350; contingent expences of assembly, past and present session, £1600. Friday, 17 Jan'y. Wm. Campbell, member for the county of Sydney, having accepted the office of attorney general of Cape Breton, and fixed his residence there, and having been absent for two sessions, his seat was declared vacant, and a new writ requested. George Gracie, member for Shelburne, being dead, a new writ was requested, to fill his place. Resolutions were passed in favor of a paper currency, receivable at treasury, and to be made a legal tender. Saturday, 18 Jan'y. At the close of the session, Mr. Speaker says: "May it please your excellency. It is my duty to present to your excellency, for your assent, the bill for appropriating the supplies granted during the last and present sessions. They are liberal beyond example, and, I trust, will fully produce the desired effect of promoting the prosperity of the province." The lieutenant governor says: "Gentlemen. It is with unusual pleasure I find it in my

power to close this too long, protracted session, with assurances that the very extensive grants you have made shall be faithfully applied, as far as the means may enable me, which are diminished already by a loss of nearly one-third of the revenue of the current year, by your detention of the bills to so late a period, which, I am sorry to observe, operates to the detriment of many in favor of a few." Assembly then prorogued to 17 April next.—This session, which opened under seeming friendly auspices between the governor and Mr. Tonge, eventuated in making a wider breach than ever between them. Sir John wrote to lord Castlereagh, 3 February, 1806, that Tonge 'exerted every possible means to protract' 'the session—to infuse and disseminate groundless jealousies' 'and discontent into the minds of the people—to embarrass' 'and retard the proceedings of the house, and, if possible, to' 'prevent any grant of revenue to his majesty, which, by one' 'means or other, were delayed until nearly one-third of the' 'net duties for the year were lost by importations during the' 'time the revenue bills ceased. However, the revenue bills' 'were at length revived and continued for the present year' 'against every effort he could make. The appropriation bills' 'for the preceding session and for the present year were' 'passed.' The sums granted included :

A bounty per acre on land cleared and planted, &c.,	£2000
" tonnage bounty on vessels employed in the cod fishery,	3000
Roads and bridges,	5500
Finishing government house,	1500
Furniture for it,	500
A bounty to seamen joining H. M. sloop of war 'Halifax,' then building at the dock-yard of Halifax,	500

Sir John Wentworth, in his letter to the secretary of state, says : "The business of the assembly was protracted by" "those who found no disadvantage in receiving ten shillings" "*per diem*, and by the speaker, who, through the whole session, presented the uncommon case of opposition to the"

“king’s interests from the chair, where his incompetency to”  
“the decorum and duties of the situation became manifest,”  
“and forgetful of his enjoying a beneficial appointment under”  
“his majesty.” He thinks it right to dissolve the assembly,  
which had but one more session to serve. Charges Tonge  
with dispersing calumnies, reports and discontents. Speaks  
of suspending him as naval officer.

There is much to regret in the tone of this and other official letters of a similar kind. It is quite evident that whatever may have been Mr. Tonge’s ambition, there was no design on his part to disturb the loyalty of the province. It was natural that the house of assembly should be vigilant in their guardianship of the public revenues, and the more so, because their control was only over part, viz., the revenue raised by provincial laws and recent acts of parliament, all that was collected under English statutes before 1778 being entirely beyond their authority. The local public officers possessed the advantage of governing in the council, where the proceedings, both legislative and executive, were conducted in secret. They also had ready access to the governor, and usually influenced his mind in business. If they thus had great means in their hands to check, limit and oppose the views of popular elective representatives, it is not surprising that collisions should sometimes arise between the two houses. If the speaker of the assembly were to use the power his office gave him to repress opinion among the members, and render the body over which he presided subservient to the wishes of the official part of the council, the representative branch would degenerate into an expensive but useless appendage. It was certainly a speaker’s duty to endeavor to preserve harmony between the two branches, by observing all rules of courtesy, and by such concessions in minor matters, as would not impair the requisite freedom and privileges of the house ; but to go further in thwarting the just exercise of inquiry into grievances, or the legitimate control over the appropriation of public money, would be a betrayal of duty in any member of the body, but more emphatically so in the speaker, whose special care should be to preserve intact the rights and privi-



leges which belong to the representative chamber. It is an evil, incident to small communities, that public questions can hardly be touched without degenerating into personal quarrels, and reason and justice are too often lost sight of while suspicion and rancor prevail.

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## APPENDIX TO CHAPTER XX.

### (1.)

Sir John Wentworth to earl Camden, 21 March, 1805, gives a state of H. M. council :—

S. S. Blowers, esquire, chief justice and president of council. Attends duty with great assiduity. Resides at Halifax.

Alexander Croke, esquire, judge of vice admiralty. Resides at Halifax, and attends his duty in council regularly.

John Halliburton, esquire, physician to H. M. naval hospital. Sometimes prevented attending by professional duty.

Benning Wentworth, esquire, secretary of province. Resides at Halifax, and attends regularly.

James Brenton, esquire, puisne judge of supreme court. Resides at Halifax, and attends regularly in council.

John Butler Butler, esquire, deputy commissary and storekeeper general. Resides at Halifax, and regularly attends his duty in council.

Michael Wallace, esquire, treasurer of the province. Resides at Halifax, and attends his duty in council regularly.

Andrew Belcher, esquire, merchant. Resides at Halifax, and attends his duty in council.

Two vacancies, viz., C. M. Wentworth and L. Hartshorne. He recommends : Richard John Uniacke, attorney general and speaker, 26 August, 1801.

Edward Brabazon Brenton, deputy judge advocate general in B. N. America, 5 February, 1802.

Charles Hill, esquire, an opulent and respectable merchant, 26 August, 1801.

George Henry Monk, esquire, one of the judges supreme court, 5 Feb'y., 1802.

Charles Morris, esquire, surveyor general of lands and register in the court of vice admiralty, 5 February, 1802.

John Beckwith, esquire, "a gentleman eminently qualified," 5 Feb'y., 1802.

Hibbert N. Binney, esquire, collector of impost and excise, 23 June, 1804.

### (2.)

In council, 5 Feb'y., 1805. A grant to Edmund Ward, a loyalist, of 860 acres, in county of Annapolis. [Mr. Ward was the father of Edmund Ward, who published the *Free Press*, newspaper, at Halifax, for many years.]

(3.)

Mr. Printer.

The following small tribute of affection, inscribed to the memory of the late Mr. COCHRAN, a gentleman so universally respected in this island, may not be unacceptable to the generality of your readers.

Yours, &amp;c.,

BON AMI.

Nova Scotia now will drop a tear  
To COCHRAN'S name, deservedly so dear ;  
He, in whose breast 's implanted ev'ry worth,  
That did pronounce him of no sordid birth.  
His manly heart was with each virtue form'd,  
And early piety his bosom warm'd ;  
No rugged passions reign'd within his breast,  
No anxious fears his virtuous mind opprest :  
But all was there quite placid and serene,  
There truth and candour consummate did reign,  
There justice, uncontroul'd, his breast did sway,  
And being just, he walk'd in mercy's way.  
All who knew him, did at once proclaim,  
His manly virtues and exalted fame ;  
His sole, and only wish, was to do good,  
And being so himself ! was understood ;  
For ever shall this island own his worth,  
His actions of themselves so bright shone forth ;  
This country of his justice rung applause,  
Whilst he was guardian of this country's laws.  
Alas ! unhappy when his presence lost,  
Call'd by his Sovereign to a higher post :  
Our tears unfeigned at his departure flow'd,  
And his known virtues in our bosom glow'd :  
But ah sad fate ! his meekness could not save  
The much lov'd youth from an untimely grave.  
A watery tomb was destined for his lot,  
Far from his home, and from his friends remote ;  
But heaven's decrees none can presume to scan,  
His days were numbered and his time was come.  
An aged mother now is left to mourn  
The hapless fate of a beloved son ;  
Tears unavailing are her only store,  
Until she greets him on that happy shore,  
Where kindred souls do meet in joy above,  
To sing the praises of their mother's love.

Charlotte Town, 16 April, 1805.

## ( 4. )

Married, at Halifax, May 3, 1805, by the Rev. the Rector of St. Paul's, Vice Admiral Sir Andrew Mitchell, K. B., commander-in-chief of H. M. Fleet on that station, to miss Mary Uniacke, eldest daughter of R. J. Uniacke, esq., of this town ; and

Thomas N. Jeffery, esq'r., Collector of H. M. Customs, to miss Martha Maria Uniacke, second daughter of the same gentleman.

Died, on Tuesday last, in the 43d year of his age, Mr. Archibald Gay, Editor and Printer of the N. S. Gazette.

## ( 5. )

The news of the battle of Trafalgar, and the death of Nelson, was received in Halifax about December, 1805, and the town was illuminated in consequence.

## CHAPTER XXI.

1806. On saturday, 15 February, lieut. general Gardiner, the military commander-in-chief, died at Halifax, and was buried on wednesday, 19th, at St. Paul's church.—In May, Sir John reiterates his complaints against Tonge, with a new charge, that of "commencing an attorney," which he calls improper, and as "adding to his means of insinuation." Sir John meant to state that Mr. Tonge acted as a barrister at the circuits of the supreme court, and seems to have feared that his success as a forensic orator might strengthen the popularity he enjoyed.

Wednesday, 28 May. In council. A dissolution of the general assembly was resolved on, writs to be made returnable 7 August next, and proclamation ordered. Sir John Wentworth and his lady made a long tour this season through the N. W. parts of the proviuce, and both returned in improved health. Mr. Uniacke returned from England in August, and brought out an instrument by which the archbishop of Canterbury annulled all the statutes passed by the governors of Windsor college. They had been framed on some rules of Oxford, and were considered by his grace too restrictive and illiberal.

Tuesday, 18 November, the new assembly met, (9th general assembly, 1st session.) The members returned were :

County of Halifax : Edward Mortimer, Simon Bradstreet  
Robie, Saml. G. W. Archibald, Wm. Lawson.  
" Annapolis : Thomas Ritchie, Henry Rutherford.  
" Lunenburg : Lewis Morris Wilkins, Edward  
James.



County of Cumberland : Henry Purdy, Thomas Roach.

“ Kings : Jonathan Crane, John Wells.

“ Queens : John Parker, George Collins.

“ Hants : William Cottnam Tonge, Shubael Dimock.

“ Shelburne : Jacob Van Buskirk, James Lent.

“ Sydney : Joseph Marshall, Edward Irish.

Town of Halifax : John George Pyke, Foster Hutchinson.

“ Truro : Thomas Pearson.

“ Onslow : Nathaniel Marsters.

“ Londonderry : Samuel Chandler.

“ Annapolis : Thomas Walker.

“ Granville : Isaiah Shaw.

“ Digby : John Warwick.

“ Lunenburg : John Bolman.

“ Amherst : Edward Baker.

“ Horton : Daniel Dewolf.

“ Cornwallis : Lemuel Morton.

“ Liverpool : Joseph Barss.

“ Windsor : William H. Otis Haliburton.

“ Falmouth : Jeremiah Northup.

“ Newport : Thomas Allen.

“ Shelburne : Colin Campbell.

“ Barrington : John Sargent.

“ Yarmouth : Samuel Sheldon Pool.

Of the 39 members returned, 31 were in attendance and were sworn in, in presence of Mr. Belcher, one of the council. The 8 absent were messrs. Robie, Rutherford, Lent, Marshall, Barss, Campbell, Sargent and Pool. Among the new members are several who afterwards became prominent public men—Archibald, Lawson, Ritchie and Haliburton. Two candidates were named for the chair : Northup proposed Tonge, and Pyke offered Wilkins. Tonge was elected, (by a majority of one only—*Sir J. W. letter 13 July, 1807, to lord Castlereagh*), and having been conducted to the seat by Northup and Dimock, spoke thus : “ Gentlemen. A second ” “ time elevated by the general voice of my fellow-members ” “ to this dignified station, I receive with the deepest sensibi- ”

“lity the honor you have conferred on me, and, with an”  
“humble sense of my own merits, submit myself to your”  
“choice. Allow, me, gentlemen, to offer the tribute of my”  
“gratitude, for the truly honorable manner of my election,”  
“and my assurance that I shall endeavor, by an assiduous”  
“attention to the duties of my station, and a steady, upright”  
“and impartial conduct, to merit a continuance of the confi-”  
“dence you have reposed in me.” On this, the house attended with their speaker elect, who was presented to his excellency by Mr. Northup. Sir John informed them that he did not approve of the choice they had made, and desired them to return and make another, and to present the member chosen for his approbation to-morrow at one o’clock. When the house withdrew to their chamber, they directed the clerk to adjourn their sitting to the next day, at ten o’clock. On thursday, 20 November, the members re-assembled, according to adjournment, and, as directed by the lieutenant governor, proceeded to the choice of another speaker. Mr. Northup proposed Foster Hutchinson, (afterwards a judge of the supreme court), and Mr. Pyke, who had before named Mr. Wilkins, now did the same. Lewis Morris Wilkins was chosen, and was led to the chair by messrs. Pyke and Northup, when he said: “Gentlemen. I cannot express the high sense I feel of the honor you have this day done me. I shall therefore only observe, that it shall be my endeavor so to conduct myself in the exalted station in which you have placed me, as to leave no cause to regret the confidence you have reposed in me.” Sir J. Wentworth approved the conduct of the house. Mr. Wilkins, after apologizing for inability, &c., said: “I trust, “however, that an honest and fervent zeal to promote the ease “and comfort of your excellency’s administration—the peace “and harmony of the different branches of the legislature, and “the general good of the province, will in some measure compensate for other deficiencies.” The lieutenant governor then opened the session with a speech, in which he congratulates the assembly for the victories of the British by sea and land, and on “the blessings of health, reciprocal kindness” “and prosperous result of industry throughout the province,”

demanding an humble thankfulness to the "Fountain of all" "Good. The legislature is assembled to maintain and pro-" "mote this enviable situation, which can only be effected by" "temperate consideration and unanimity, wherein my co-" "operation may always be relied on." The house re-elected Mr. Francklin, clerk, and chose Charles Stewart Powell, serjeant at arms, (this was the comedian), and Israel Conkey, messenger. William Cochran petitioned against the return of William Lawson, on the ground that he was not qualified as to a freehold in the county of Halifax. Thomas Law Dixon also petitioned against the return of Edw. Baker, for Amherst. Afterwards Edward Whitman petitioned against the return of Thomas Walker, for town of Annapolis, on several grounds; and Garret Miller petitioned against Mr. James' return for Lunenburg county, and Thomas Millidge against return of Shaw, for Granville. The petition of Mr. Dixon was withdrawn. Mr. Walker's return was annulled, in consequence of his having used undue influence to obtain a vote, and a new writ directed. All the other election petitions were eventually dismissed. In one case, at least, the house referred matters to be enquired into by a committee, but the select committees under the Grenville act were not established until the session of 1820-1821, by a provincial law. Saturday, 22 Nov'r., the house addressed the lieutenant governor in reply to his opening speech. They say in this: "While we lament that" "your excellency has been pleased to exercise a branch of" "H. M. prerogative, long unused in Great Britain, and with-" "out precedent in this province, we beg leave to assure your" "excellency that we shall not fail to cultivate assiduously a" "good understanding between the different branches of the" "legislature, and to prosecute with diligence the business of" "the sessions." Judge hon. James Brenton died in December, and the house resolved to attend his funeral on 27th; and on the 30th, voted £100, on petition of the widow, in relief of family. The lieutenant governor recommended the house to make a provision for John Newton, (superannuated), as collector of impost and excise, and an annuity was accordingly granted him by an act. The fees demanded on entering and

clearing of vessels at the custom house, was complained of. The governor, by message, recommended an increase of the treasurer's salary. He also wished the lane near government house shut up, and £2000 more to be spent there on building. £2292 10s. 2d. had been expended since the last session, and £2000 more debt incurred without legislative sanction by the acting commissioner. The sum appropriated this session appears to have been about £16000, of which £5000 was voted for roads and bridges. Some jarring about privileges arose between the houses, but they patched up the dispute. £500 was voted for erecting a light house on Brier island, and £60 to Isaac Hildrith, architect of the new government house, as a testimonial of merit, &c. ; and on friday, 25 Jan'y., 1807, the assembly was prorogued. On 31 December, 1806, Mrs. Deborah Cottnam died. She had been in the receipt of a pension of £100 yearly, included in the annual grant of the British Parliament for the civil establishment of Nova Scotia.

1807. On saturday, 10 January, 1 P. M., a council was held. Present, the lieutenant governor Sir J. Wentworth, and John Halliburton, Andrew Belcher and Michael Wallace, councilors, when Mr. Brenton Halliburton was appointed an assistant justice of the supreme court, in place of James Brenton, deceased. On the 14th January, the lieutenant governor, in consequence of the small number of the council, recalled Lawrence Hartshorne, who resumed his place as a member. By the death of Judge Brenton, the council had been reduced to 8 members, viz., Blowers, Croke, Halliburton, B. Wentworth, Butler, Forsyth, Belcher and Wallace, and only 3 or 4 of those attended. 23 January. Sir John Wentworth, in a letter to Mr. Leonard, the superintendant of the fisheries, says he had been instructed by the secretary of state to buy a vessel for his official use. The officers and crew were to be 25 in all, and the annual expense was estimated at £1800, exclusive of ammunition. (The schooner *Hunter*, employed for revenue purposes in prevention of smuggling under this order, cost for purchase and outfit, £810 stg.) "The general assembly will" "be prorogued within an hour of this time. The public busi-"



“ness is tolerably well got thro’, and might have been as well ”  
“or better five weeks since. After numberless manœuvres ”  
“to embarrass Mr. Wallace, every atom of his accounts are ”  
“justified and *approved*, even before his enemies, who have ”  
“been compelled to acknowledge his merit, integrity, accu- ”  
“racy, and infinite industry and ability. Thus does popular ”  
“noise and falsehood expire in contempt before truth and ”  
“honor, when brought into public observation upon the most ”  
“acute and deliberate investigation.” Mr. Wallace was a native of Scotland, and had resided in one of the Southern states as a merchant ; but being a loyalist in his sentiments, he migrated to Nova Scotia, where he continued in trade until appointed treasurer. The election in which Tonge headed the poll for the county of Halifax resulted in his temporary defeat ; but Tonge’s not having a freehold in the county, enabled Wallace to be returned on the new writ. This collision appears to have made them foes. Wallace was of an impetuous and irritable nature. Possessed of much accuracy and skill in accounts, and of high integrity in money matters, he was worried by objections and investigations, and perhaps attributed them to Tonge’s account. I cannot think a man of Tonge’s intellect would descend to propagate unfounded suspicions or charges against an adversary. Vulgar envy is ready enough to originate suspicions, particularly against those responsible for public expenditure. Tonge, however, as the leader of opposition, must necessarily have been the scape-goat of all blame in the government house circle. We have seen an obsolete prerogative exercised to break him down, in the refusal of the lieutenant governor to approve his election as speaker in 1806, so we find that shortly after the prorogation of the house in 1807, Sir John suspended him from the office he held as ‘naval officer,’ appointing Mr. John Beckwith in his place, (an English military officer, allied to the families of Brenton and Halliburton.) In an official letter to England, 23 March, 1807, Sir John mentions this, and adds that Mr. Tonge is seeking a recommendation for loyalty, &c., “assisted by a Roman catholic trader, who is so bigotted, &c.,” “as to think he serves his religion by opposing a Protestant ”

“government ;” and he further charges Tonge with “calling” “meetings of militia officers, and urging them to resign.” Whatever may have been the merits and demerits of Tonge, it does not appear that he was guilty of any disloyalty or disaffection. That he opposed the measures of the local executive is obvious enough, but there is not the shadow of proof subsisting to shew, that in so doing he went beyond the legitimate rights of a free British subject, or violated any principle of the constitution. In those early days every province had a little clique or connection that acted imperially over the small affairs of a small country, and any opposition of sentiment or claim to advancement by a party not allied closely to the ruling power was viewed with deep hostility by those who possessed influence. It was an unfortunate thing, that a gentleman like Sir John Wentworth should be persuaded to fill his official despatches, to the secretaries of state, with charges against men who were utterly unaware of what was transmitted against them. By the inflexible rules of Imperial government, if a subject had any cause of complaint against a governor, it must be exhibited to himself, to enable him to send his defence or reply with it, and the rule is perfectly just. How, then, stands the case, when a governor, in his official despatches, communicates an unfavorable view of an individual, who is wholly unapprised that his character and notions are delineated, in unfavorable colors, to men in power three thousand miles distant. In this case we find that Sir John Wentworth had been writing against Mr. Tonge to the secretaries of state for 9 years, beginning with his letter to the duke of Portland in 1798, respecting the Maroons, in which he insinuates a charge of seditious principles. For aught we know, not a syllable of these incessant indictments were ever made known to the accused party. Indeed it is not likely that they would have received any special attention from the secretaries of state. Yet we find in July, 1804, Sir John is corresponding with Tonge on terms of apparent amity and even cordiality, with wishes for his recovery of health and “every felicity.” Reflecting on the kind, amiable temper of Wentworth, his refinement of taste and sentiment, and general humanity and

urbanity of character, we can only surmise that the exception to all this, to be found in his dealings with the first Nova Scotian who played the part of 'tribune of the people,' was owing,—first to the governor's strong and natural hostility to popular agitators, as being himself exiled by their success; and next, to his lending too ready an ear to interested advisers, who disliked the control or interference of a representative body with their doings.

In the case of Thomas Walker, who had been returned for the town of Annapolis, the house had referred the case to a select committee. They reported a majority of votes in favor of the sitting member, but were of opinion that the charge of obtaining a vote by undue influence should be heard before the house. Accordingly the house heard counsel for the petitioner and for the sitting member, and examined the voter referred to, at their bar. The house resolved that undue influence had been used by the sitting member to obtain a vote, and declared his seat vacant. On this, the speaker, by letter of 12 Dec'r., 1806, requested his excellency for a new writ. The lieutenant governor laid this before the council, present, Blowers, Belcher, Hartshorne and Wallace,—on the 5 March, 1807, and requested their advice. The council advised him that 'no reason being assigned for the order vacating' 'the seat' in the speaker's letter, that a statement of the proceedings in the case should be extracted from the printed journals of the house, and submitted to the attorney and solicitor general for their opinion, preparatory to deciding on the request for a writ. The petitioner had stated the undue influence mentioned to have been the promise of discontinuance of a suit the sitting member had commenced against the freeholder. The case was accordingly prepared, and sent, with two questions, to the attorney and solicitor generals: 1. Are the proceedings of the house relative to the said election and return regular and constitutional, and the seat of the said Thomas Walker, as member for the town of Annapolis, legally vacated thereby? 2. If yea, by what law, custom or usage, can the said proceedings be supported? On the 12 March the attorney general Uniacke gave his opinion, that the house

acted legally in vacating the seat of Mr. Walker, for his having used undue influence to procure a vote at the election,—that the law and usage of parliament extended to this province, and that the representative body had similar powers to the house of commons; and he quoted a resolution of the English parliament, and several legal authorities, which supported the course pursued in Mr. Walker's case. The solicitor general's opinion, dated 20 March, was substantially to the same effect. On 28 April, the lieutenant governor and council met. The councillors attending were—Blowers, Hartshorne and Wallace. The opinions of Uniacke and Stewart having been read and considered, the council 'being of opinion that the law of parliament is peculiar to the high court of parliament in England, and is not transferred to or vested in the general assembly of Nova Scotia, which owes its creation to the Royal instructions, and is regulated by the laws of this province.' Referring to the provincial act of 1789, the argument is used that as that act does not embody the 5th clause of the English act of 7 & 8, Wm. 3, disqualifying candidates for bribery, such disqualification does not extend here, arguing further that the discontinuing the suit was not an act of bribery;—that it would be a dangerous precedent to issue a writ for an election on the letter of the speaker, without reasons assigned. The council proceed to advise that the proceedings be sent to the minister for H. M. instructions, and the writ be meanwhile withheld. This opinion and advice is signed by Mr. Blowers, as president of council, and no doubt embodies his own judgment, as a lawyer, on this subject.

A petition had been sent to the assembly, complaining of custom-house fees. Sir John Wentworth, referring to this, inveighs against popular meetings 'convened in the country,' 'composed of uneducated tradesmen, labourers and farmers,' 'who, from the nature of their industry, cannot possibly have' 'any real information—who are persuaded to sign or make' 'their mark to anything, often without knowing the contents,' 'and almost always deceived in its objects and consequences.' 1, May, he approves the conduct of the grand jury of the county of Annapolis, 'in refusing the measures solicited by'



‘Mr. Tonge.’ He states that a meeting of the county of Hants being requested, the high sheriff asked the advice of the attorney general, who declared it an illegal act, and that it was the duty of the sheriff to refuse his concurrence, and to suppress and disperse such meetings. Sir John announces his intention to remove the magistrates who have taken part in the affair.

[From a Halifax newspaper.]

1807. ‘Information being yesterday (monday, the 27 April), received that 7 sail of Square-rigged Vessels were in the Offing, signal guns were fired at the alarm posts in the Harbour—the Troops of the Garrison were instantly under arms, with a promptitude that marks the vigilance of Major General HUNTER, and the discipline of the Troops under his command.—The Militia also resorted with a zeal to their alarm posts, that indicates the dependance that may be placed on all descriptions of the community, should their real services be at any time required.’

On 20 May, Sir John writes to Mr. Windham, (secretary of state), that apprehensions had existed of an attempt on the part of the French to conquer Canada, Nova Scotia, &c., and that five large ships were seen off the harbor in thick, dark weather, in consequence of which he and major-general Hunter decided to use signals of alarm, on which the garrison and a strong body of militia promptly assembled. The vessels steered South-west, and their character was not ascertained. He represents that the militia are so greatly deficient in arms and ammunition, that, on an invasion, half of them would be useless.

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## APPENDIX TO CHAPTER XXI.

(1.)

[From Sir J. Wentworth to Scrope Bernard, esq'r., 18 Oct'r., 1806.]

“Mr. Uniacke returned to us in the August packet, and has brought with him an instrument of the archbishop of Canterbury, disannulling *all* the statutes of

King's college at Windsor. The governors have not yet had a meeting to receive it officially. We are in hopes to receive some proposed explanation or information from his Grace by the September mail, now hourly expected, by which we may go on again, for at present we only know that we must obey the injunction, when officially before us, which *seems* to involve a suspension of doctor Cochrane, as professor and vice president, and also of the scholarships and exercises of the students. We, at least three or four of us, fondly thought by forming upon the statutes of Oxford, we were ensuring a learned and loyal education, and attachment to the church and constitution of England, objects of the first and most indispensable magnitude to those who are well acquainted with these colonies, and who, from sad experience, know that thirteen provinces were lost for want of decided, primeval and determined adherence to this irresistible principle. It has been said that we are too young for such an establishment ! This needs no other answer than 'Train up a child in the way he should go.' It may be found hereafter that if we are too young to have an essentially good education, we may have to repent too late that an improper one will supplant it. We, several of us, I can answer for, still hope a president will come to us from Oxford or Cambridge, and also a principal for the Academy."

(2.)

[*From Almanac for 1807.*]

GRAND MASTERS OF FREE MASONS OF THE PROVINCE OF NOVA-SCOTIA.

1784—J. G. Pyke.  
1785—John Parr.  
1791—R. Bulkeley.  
1800—Duncan Clarke.  
1801—Sir J. Wentworth.

H. M. NAVAL HOSPITAL.

Hon. John Haliburton, surgeon and agent.  
Mr. Robert Hume, assistant.

H. M. CUSTOMS.

T. N. Jeffery, collector.  
John Slayter, controller.  
John Newton, esq'r., surveyor and searcher.  
Mr. John H. Fleigher, guager.  
Isaac Messingham, }  
Hammond Green, } Tidesmen.

OFFICERS FOR COLLECTING PROVINCIAL DUTIES.

John Newton and Hibbert N. Binney, collectors.  
Daniel Wood, inspector and searcher.  
Mr. John Cleveland, collector of license duties.  
Mr. John H. Fleigher, guager and weigher.  
Mr. Edward Bond, land waiter.

(3.)

At a council holden at Halifax on Wednesday, the 10th June, 1807, present—his excellency Sir J. Wentworth, Bart., L. L. D., lieutenant governor, &c. &c. &c., the hon. the Judge of Admiralty, the Secretary, Andrew Belcher, Lawrence Hartshorne, Michael Wallace, Edward B. Brenton, councillors. “His excellency laid before the Board a writing, dated Windsor, 9 April, 1807, signed by Isaac O’Brien and others, directed to John McColla, esquire, sheriff of the county of Hants, requesting him to notify a meeting of the freeholders of the said county, for the purpose of considering a humble petition to the king, on the subject of the removal of H. M. naval officer of the province without a hearing: likewise another publication to the same effect, dated Annapolis, 27 April, 1807, signed by Elisha Budd and others.” [By advice of council, a notice was directed to be sent to the Clerks of the Peace of Hants and Annapolis, to notify Isaac O’Brien and John Chambers, esq’r., J. P. P. of Hants, and Elisha Budd and Moses Shaw, J. P. P. of Annapolis county, that unless they gave satisfactory reasons to the contrary within one month, they would be suspended from the Commission of the Peace.] “His excellency the lieutenant governor laid before the Board the King’s mandamus, authorizing his excellency to admit Edward Brabazon Brenton, esquire, to be one of H. M. council for this province,—whereupon Mr. Brenton was called to the council, and, after having taken the State oaths, and oaths of office, took his seat at the Board accordingly.”

On the 22 June, H. M. S. *Leopard*, captain Humphreys, met the United States frigate *Chesapeake* off the capes of Virginia, and the English captain having been informed that there were deserters from the British navy on board the American ship of war, demanded a search for them. This the American commander refused, on which the *Leopard* fired into the *Chesapeake*. The latter fired a gun and then struck her colors, and suffered four British sailors to be taken out of her, after which the vessels separated. One man was killed in the *Chesapeake*. On the American ship getting into a port, great excitement arose when the transaction became known. The seaman who had been killed was buried with great attendance of the people, and hostile feelings against Great Britain were strongly evinced. Apprehensions of a war between the two countries spread, which, however, were not realized until five years later.

## CHAPTER XXII.

MR. ERSKINE, the British envoy extraordinary in the United States, notified Sir John Wentworth, through vice admiral Berkeley, that a war with that country was likely to arise. Sir John tells lord Castlereagh, "Notwithstanding Mr." "Emmett, a noted Irish innovator, now at New York, rely-" "ing upon co-operation of the Irish inhabitants of this pro-" "vince, proposes to conquer Nova Scotia with 7000 men." "In both these points he will be completely deceived. The" "defences of Halifax are capable of great strength and oppo-" "sition to an invading enemy, especially with the aid of ships" "of war." He says 40,000 militia could be made available, and suggests the necessity of augmenting the garrison with at least three well disciplined regiments. 24 August. The lieutenant governor and council, by proclamation, forbade the export of all provisions until 1 November. This was done to prevent speculators advancing prices in consequence of the arrival of a fleet; and Sir John recommended president Ludlow, in New Brunswick, to adopt like measures there. Rear admiral Sir Alexander Cochrane was now at Halifax, with two ships of the line, three frigates and a sloop, which were nearly complete, by September 19, in repairs and provisions. Five deserters from H. M. S. Jason had been protected at New York by the mob, and the crew of that vessel had acted mutinously there. Every exertion was being made here by the lieut. governor, general Hunter, general Skerret, admirals Berkeley and Cochrane, for the possible event of an American war. The 98th regiment and the Newfoundland Fencibles



were sent to Quebec, by order from England. 1000 militia were placed in garrison in their stead; and in October, on the request of major general Skerret, 500 more were to be drafted from the country to strengthen the place. Sir John tells the general that 'the situation of Margaret's bay and 'Cole harbor would be probably the points of an enemy's 'attention,' but he thought, if defended, the foe would find insuperable difficulties in advancing. By the 26 October, part of the reinforcements of militia had come in. Halifax militia were working on the fortifications. Admiral Berkeley designed to employ 140 men, accustomed to boats and vessels, in two gun brigs, for defence; and Mr. Monk was directed to secure the aid of the Micmacs. "Two companies of militia (150 men)" "under good and well-informed officers, are well clothed," "trained and skilful—frequently exercised in the batteries" "to which they are attached, and instantly repair upon any" "alarm." In the other militia regiments there were at least 150 more good artillery men, and a company of 50 free blacks were also engaged. An agent was also despatched to the States, by joint order of the governor, the general and the admiral, to obtain information. In November, Sir John tells lord Castlereagh that the 101st regiment and the embodied militia had been employed under general Hunter in repairing the defences of Halifax harbor.—At this time he expected to receive 5000 stand of arms, for use of the militia.

Monday, 30 November. In council, the appointment of Sir James Henry Craig, K. B., as governor of all the British provinces in North America, was officially communicated. Chas. Hill, esquire, under a mandamus, dated 15 June, 1805, was sworn in, and took his seat as a member of H. M. council.—The exports of fish in the year 1807 are stated to have been 65,164 quintals dry fish, and 51,561 barrels pickled fish.

Thursday, 3 December, 1807, the assembly met, (9th general assembly, 2d session.) As lady Wentworth was dangerously ill, Sir John did not attend in person at the opening, but his speech was read by chief justice Blowers, president of the council. It referred to existing differences between Great Britain and the United States,—the calling out the militia,—

recommended a grant to give the men warm clothing, and inculcated "diligence, moderation and mutual forbearance,"—also all proper despatch. Mr. Robie, who, it seems, was absent the last session, was now sworn in for Halifax county, and Mr. Lent for county of Shelburne. Monday, 7 December. Hutchinson, Archibald and Robie were the committee to prepare answer to governor's speech. Joseph Aplin, esq'r., was appointed to draft bills. The answer adopted by the house, 8 December, condoles with Sir John on his domestic affliction, and expresses the hope it will terminate favorably,—promises attention to his recommendation to find warm clothing for the militia, and promised to strive to conduct business with moderation and dispatch. Friday, 11 December, the house voted to address the hon. vice admiral Berkeley, expressing regret at the prospect of his removal from the station, and their sense of the value of his services to the trade and maritime interests of Nova Scotia. They also voted 100 guineas to buy him a piece of plate or a sword, "as a testimonial of the respect and" "esteem of this province." Messrs. Robie, Tonge and Haliburton were the committee to prepare the address. The vote for the money was sent to the council for concurrence, and on the 15th was returned agreed to. 16th. Robie reported address "to the hon. George Cranfield Berkeley, vice admiral of the white, commander-in-chief of H. M. ships and vessels on the Halifax station," &c. Robie, Tonge, Archibald, Wells, Lawson, Collins and Pearson, were committee to present it. (A piece of plate is mentioned in it.) On motion of Mr. Tonge, the house appointed messrs. Pyke, Archibald and Marshall a committee to wait on the lieutenant governor, on the subject of the money vote. He answered them thus: 'Gentlemen. As this is the first communication had with' 'me upon this measure, and understanding it had occupied the' 'attention of both houses several days, with various effect, it' 'becomes me, from a due and most cordial respect to all con-' 'cerned, to consider the vote with the same deliberation as' 'has been exercised in its progress: As soon, therefore, as' 'my determination can be properly prepared, it shall be regu-' 'larly communicated.' Friday, 18 December. Robie reported

that the committee had waited on vice admiral Berkeley, with the address of the house, and received his written reply, (in which he expresses himself flattered and honored by the address and gift.) On 1 February, 1808, Sir John sent by Mr. Gautier, deputy secretary, this message : ‘Gentlemen of’ ‘the house of assembly. Having fully considered the vote’ ‘communicated to me for granting one hundred pounds to’ ‘vice admiral Berkeley, for a sword or piece of plate, it appears to me objectionable in so many respects that I feel it’ ‘my duty to decline giving my assent to it.’ J. Wentworth. —In his letter to lord Castlereagh, 2 January, 1808, the lieutenant governor says : ‘The first week or more of the sessions,’ ‘Mr. Tonge, patronised by vice admiral Berkeley, engaged’ ‘the attention of the house in procuring an address and vote’ ‘of 100 guineas to buy a piece of plate for the admiral. After’ ‘much contention among them, a vote was obtained. The’ ‘next day it was rescinded. The third day recovered in a’ ‘very thin house, and sent up to the council, where the vote’ ‘for a gift of one hundred guineas prevailed by one only.’ ‘But as it evidently appears to be far from a general sentiment, and I believe would not now be carried in either’ ‘house, or even in a town meeting, I have not concurred the’ ‘vote, more especially as the address from the assembly, and’ ‘the admiral’s answer, published, involve in them an opinion’ ‘upon a subject which appears to be negotiating by his’ ‘majesty’s ministers with a foreign nation. After the spirit’ ‘which was engaged in this business had evaporated, the real’ ‘business of the sessions was attended to,’ &c. It is to be remarked that the non-concurrence of his excellency was not notified to the house until 30 days after the date of this despatch.

The revenue in hand or secured to 31 Oct’r., 1807, is stated at £18,870 13s. 10d., from which deducting £6,632 18s. 6d. before appropriated and not drawn, left £12,237 15s. 4d. to be now disposed of. The expences of Sable island for the year ending 4 Dec’r., 1807, were £619 19s. 7d. 18 Dec’r. Allen Chipman, returned member for county of Sydney, instead of Edward Irish, deceased, was sworn in ; but 4 Jan’y., 1808, his

return was set aside for various irregularities, and a new writ ordered. Same day the house voted £7250 for civil list and miscellaneous services ; £5000 roads and bridges : £2000 to encourage agriculture ; £1000 for bounty on salt ; £2000 fishery bounties ; £1600 to provide great coats for the new battalions of militia, now embodied ; £845 to make up agricultural bounty to 14s. per acre ;—Total, £19,695. 2d February, 1808, they voted £15 to the widow of every militia man (embodied) who should die while on actual service, and £450 for repairs of the Sambro and Shelburne light houses.

Monday, 28 Dec'r., 1807. Mr. Hutchinson presented a bill to prevent officers employed to collect or take the charge and care of public monies from holding or exercising commissions for expending such monies. It was read a first time then, and finally passed, and was sent to the council on Friday, 1 Jan'y., 1808, who returned it disagreed to on the 6th.

Wednesday, 30 Dec'r. The house ordered the speaker to apply again to the lieut. governor for a new writ for Annapolis, in place of Walker, vacated.

1808. Thursday, 14 Jan'y. Mr. Hutchinson reported from the committee of privileges, respecting the vacant seats for Annapolis and Sydney. They could find no instance where an appeal from the decision of the house had been made to any other power in case of a contested seat in the assembly ; that the house in many instances did not think it necessary to put the reasons for declaring a seat vacant on their journals ; that the attorney general, (Uniacke), who had been speaker of several houses, informed them by letter "that he never communicated the reasons of the decision of the house to the" "governor when he applied for a new writ, and that he never" "knew an instance of a writ not being issued upon an application for that purpose." They referred to a resolution of 31 March, 1789, and many precedents on the journals of 1759, 1762, 1764, 1766, 1772, 1775, 1785, 1789 and 1800. It was then resolved unanimously, on motion of Mr. James, that all attempts to draw the examination, discussion or determination of the qualification of electors, or persons elected, or the pro-



ceedings of sheriffs on the returns of writs for the elections of members, or the decisions of the house thereon, to any other tribunal, are unconstitutional attacks upon the most undoubted rights of the people of Nova Scotia ; and an address to the governor, agreeably thereto, was prepared by the committee of privileges. On 1 February, the house passed an address to the governor general, (Sir J. H. Craig), bringing before him their controversy with the lieutenant governor respecting Mr. Walker's seat for Annapolis, and complaining of it as an attack on their independence.

Friday, 8 January, 1808. The house having considered the lieutenant governor's message of the 12 January, 1807, recommending an increase of the treasurer's salary, Mr. Tonge moved, that it is inexpedient at this time to augment the salary of the treasurer of the province, which, being seconded and put, and the house dividing thereon, there appeared, for the motion, nineteen ; against it, seven. For the motion : messrs. Collins, Marshall, Baker, Robie, Hutchinson, Dimock, Dewolf, Morton, Haliburton, Roach, Ritchie, James, Lawson, Purdy, Bolman, Shaw, Tonge, Marsters, Wells. Against the motion : messrs. Pyke, Chandler, Crane, Warwick, Lent, Pool, Northup. So it passed in the affirmative. An address was ordered accordingly. Tonge, Haliburton and Ritchie the committee. In this address, the assembly consider the usual salary "sufficient provision for an officer, whose duties may" "be performed by any person of integrity and accuracy who" "possesses a knowledge of money accounts"—that "the" "increased business of the treasurer has been occasioned" "principally by his performance of services not connected" "with those of his office"—the house, "with due deference" "and respect to your excellency's recommendation, does not" "conceive it necessary or expedient at this time to make any" "addition whatever to his salary." Hutchinson, Mortimer and Lawson a committee to present it. Monday, 11 Jan'y. The lieutenant governor answered thus : "Further experience" "and consideration so fully impress my mind respecting my" "message referred to in your address, that I cannot fail to" "express my hope, that the services and merits of the trea-

“ surer will soon be better understood, and more commensurately rewarded.” Saturday, 9 Jan’y. Mr. Ritchie presented a bill for regulating negro servitude within and throughout this province. Mr. Roach moved that it be read a second time this day three months ; motion lost — 10 for it and 16 against. Mr. Warwick offered to the house a petition, which, he stated, was signed by John Taylor, and a number of others, proprietors of negro servants, brought from H. M. late colonies, now called the United States, setting forth, That, owing to certain doubts entertained by the king’s courts of law in this province, such property is rendered wholly untenable by the petitioners, whose negro servants are daily leaving their service and setting the petitioners at defiance, and praying their case may be taken into consideration, and such regulations made as shall be deemed expedient for securing the petitioners’ property in their negro servants,—or that if such property is to be sacrificed to the public good, the petitioners may receive an equitable compensation ; and thereupon Mr. Warwick moved that the petition be received, which, being seconded and put, there appeared. for the motion, sixteen ; against it, nine. Ordered, that the petition do lie on the table. This bill was read a second time 11 January, 1808, but did not become law.— 28 January. The house voted £180 for a magazine for gunpowder ; £25 to Joseph Aplin ; £100 repairs old government house ; £300 for apprehending deserters from navy and army ; and 29th, £900 for great coats for the 3rd battalion of militia, ordered on duty ; and £450 for conveyance and care of arms and equipments. Wednesday, 3 Feb’y. Notice was ordered to members who had been absent the whole of the last and present sessions, that if they did not attend when the house was next convened, their seats would be vacated. Six resolutions respecting the fisheries, favoring a tonnage bounty, and shewing that the council declined to pass it, were moved by Mr. Tonge, and adopted by the house. Tonge, Lawson and Robie were appointed a committee to correspond with the agent of the province, and send him the resolutions and copy of address to the governor general, to lay before H. M. ministers ; also to send the address itself to the governor general.

On the 4 February, his excellency assented to several bills, including bill of supply, and closed the session with a speech: "Gentlemen of the council and assembly. I embrace with great pleasure this occasion to release you from the public service, to attend to your own private affairs; relying fully, that at all times, but more especially at a period of such peculiar importance as the present, you will, in your respective districts, wisely cultivate that prevailing spirit of harmony and loyalty, which, I hope, will long continue to render this a strong, respectable and happy province." The general assembly was then prorogued to the 12 May next. Thus terminated the last meeting of Sir John Wentworth with the assembly of Nova Scotia.

In those days, the governor went in plain dress, in his carriage, without military pomp, music or cannon, to open and close the session. The speaker wore a cocked hat, without wig or robes. The members did not usually wear black clothes, but other colors, as was then the fashion. Sofas, desks, &c., were not in use in the house. In his letter of the 28 March, to lord viscount Castlereagh, secretary of state, the lieutenant governor tells him of 'great pretension to patriot-' 'ism in popular speeches, declamations and addresses' on the part of the assembly. He mentions that 'a difference of' 'opinion arose between the council and assembly, the former' 'preferring to continue the bounty of 1s. 6d. per quintal on' 'exportation to British colonies, as done the last year, and' 'the representatives contending for recurrence to the mode' 'of the year before the last, viz., 15s. per ton for vessels' 'employed in fishing;—to this they adhered, and neither' 'bounty was granted.' He reasons in favor of the council's view. Under the tonnage bounty, the fish would go to the States, and thence to foreign and hostile colonies, and the returns in foreign goods, East India produce, &c., smuggled into the province. Spcaks of the *schooner interest*. The house intend to ask the ministry to direct the council to consent to their measure. Considers this a masked attack on the independence of the council. He says: "Upon a steady support of this body," (H. M. council), "their selection and"

“rank among themselves and in society, will greatly depend”  
“the peace, prosperity and proper attachment to Great”  
“Britain of this and all the other colonies on this continent.”  
I have no doubt that Sir John Wentworth honestly and sincerely believed in all this doctrine ; but as it seems to me to be quite at variance with the principles of the law and constitution of England, I regret that a gentleman of many excellent qualities, and placed in so important a position as that of a British governor, should so sadly mistake on a subject of primary importance. It, however, affords us a key to all the difficulties of his administration, as it led him to throw all his official and personal influence into the scale in favor of the opinions and fancies of his council, whenever any collision of sentiment or feeling existed between them and the representatives of the people. The greatest evil of such a notion is, that it would tend to produce, on the part of a governor, a secret hostility against the leaders of the popular body, while it would almost justify a pretended deference for their rights and privileges. I do not impute such a duplicity to Sir John. He was gradually led on to extreme notions by the force of circumstances. Naturally he had a horror of ultra-democracy, which had banished him from his native home, and the more moderate views of English freedom seemed to scare him. The error of all the old colonial constitutions, which combined in one small body of men all kinds of offices and powers, some quite incompatible with others, was at the bottom of the mischief. The same men were a privy and a cabinet council and a house of lords. They also held most of the executive and judicial offices, and their tenure of all these functions were practically for life ; also, on a vacancy in their number by death or removal, they had it much in their own hands to nominate the person to fill it. Thus a distinct oligarchy was established. How could they help under-valuing the men sent for a short period as deputies to the assembly, who had little influence as individuals except in the immediate locality of their homes. How could they brook being opposed, censured or called to account by parties comparatively so humble ; and if some more distinguished persons



gave weight to the resolutions of the house, they were always liable to be charged with ambitious or mischievous designs. So far from imputing moral blame to any governor who leant to the council against the house in our earlier days, I think it would have been almost a miracle for any one so situated and so surrounded to keep himself free from bias of that nature.— (John Creighton, esquire, formerly a member of the council, appears in the almanac for 1807 as one of the justices of the Inferior court for the county of Lunenburg. His death probably occurred in that year, as did that of Jonathan Binney. Isaac Bonnel, Joseph Pernette, Jonathan Prescott, John Crawley and James Ross, all justices in different counties, also appear in the list in the almanac of 1807, for the last time.

December 26. Major general Hunter, by letter, requested that 1000 militia should be immediately embodied, 200 to be stationed at Annapolis and 800 at Halifax, and a further 1000 got ready to be called into service on the shortest notice. This, (29 December), the lieutenant governor and council agreed to do. Sir John wrote to the admiral Berkeley, asking that the brig *Emulous* should not be sent away from Halifax. These measures were owing to expectations of possible war with the United States. Sir John had urged on the admiral the necessity of naval defence; and 3 January, he states that the harbor is left to the protection of the *Squirrel*, 24 gun ship, and the *Plumper*, brig, of 10 guns, launched 30 December. The brig *Emulous* arrived 20 December, and, at his request, was detained a few days.

The United States imposed just now an embargo on the trade between their ports and the English colonies. This measure, intended, doubtless, to distress the colonists and the navy and army stationed here, proved far from injurious to British interests in North America, acting indeed as a bounty on the production of lumber, cattle and provisions in Nova Scotia, and increasing the carrying trade in our own vessels.

APPENDIX TO CHAPTER XXII.

(1.)

Rockingham Club,

On Saturday, the 18th instant.

Dinner to be on the table at 4 o'clock.

July 7.

Lord Castlereagh wrote, 4 July, 1807, to Sir J. Wentworth, "that an allowance, not exceeding £150 per annum, should be paid to the commissary of the bishop of Nova Scotia for travelling expences, certified to the lieutenant governor by the bishop."

[*Sir John Wentworth to lord Castlereagh.*]

18 August, 1807.

Informs him of "the death of Mrs. Deborah Cottnam, on the last day of the year 1806, by which event her pension of £100 per annum, granted by Parliament in the annual Estimate for this province, has ceased."

(2.)

[*N. S. Royal Gazette, tuesday, Jan'y. 19, 1808.*]

Married, Thursday evening, by the Rev. Dr. Stanser, Richard John Uniacke, attorney general, &c., to miss Eliza Newton, daughter of the late captain Newton, of H. M. 45th regt.

EMBARGO ACT PASSED, WASHINGTON, DEC. 22, 1807.

That an embargo be, and hereby is laid, on all ships and vessels in the ports and places within the jurisdiction of the United States, cleared or not cleared, bound to any foreign ports or places: and that no clearance be furnished to any ship or vessel bound to such foreign port or place, except vessels under the immediate directions of the President of the United States; and that the President be authorized to give such instructions to the officers of the Revenue, and of the Navy and Revenue Cutters of the United States, as shall appear best adapted for carrying the same into effect. Provided, that nothing herein contained shall be construed to prevent the departure of any foreign ship or vessel, either in ballast or with the goods, wares and merchandize on board of such foreign ship or vessel, when notified of this act.

Sec. 2 requires vessels going with goods, &c., from one port to another in the United States, to give bonds to reland the goods in the United States.

Armed ships of foreign powers not to be subject to this embargo.

## CHAPTER XXIII.

ON the 18 February, Benning Wentworth, secretary of the province, and brother of lady Wentworth, died, in the 53d year of his age. On the 19th, Sir John appointed and commissioned his own son, Charles Mary Wentworth, as secretary, and register of patents, deeds and records,—and as the latter was in England, Mr. Michael Wallace to act as his deputy; and on the 2d March, the commission was read and signed in council. Sir John begs lord Castlereagh to confirm the appointment, as a favor to him in his ‘advanced age and faithful’ ‘service of nearly forty-two years.’ 26 March. The accounts of the armed schooner ‘The Hunter’ were now sent to England. The expences to 5 January, 1808, including purchase, outfit, victualling, wages, repairs and other disbursements, amounted to £2759 13 1½d., Halifax currency, equal then to £2477 8s. 4d. sterling. (The rule at that time was to add 11 1-9 per cent. to sterling sums to turn them into currency. That every £100 st.’g. was equivalent £111 2s. 2d. 6-9 c’y.) This vessel was in the service of the superintendant of Trade and Fisheries, (Mr. Leonard), whose salary was £200; and there was £600 remaining of the parliamentary grant of 1807 towards meeting the cost of the schooner. Besides cruising on the coast, she had carried governmental despatches to Bermuda in January—brought thence the December mail from England, and was about going to New Brunswick with money for the embodied militia of that province, and afterwards to be sent to the coasts to prevent illicit trade. Three regiments of militia were now embodied in Nova Scotia, and employed in

actual service. It was proposed to have one troop of light horse, in number 35 officers and men, who should find their own horses. The artillery (militia) could at this time furnish 124 men, capable of assisting the regulars either in batteries or with field pieces. The town militia mounted guards in rotation, being only paid when on actual duty. The whole trained force reliable was 1800 men, and great harmony prevailed between them and H. M. regular troops. [*Sir F. W's. letter of 26 March to lord Castlereagh.*]

The hon. John Halliburton resigned his seat in council, from extreme ill health, and died on monday, 11 July.

On (monday) the 29 February, the despatches from England were received by the schooner Hunter. Among these was the opinion of the attorney and solicitor general of England, on the subject of Walker's seat, which entirely confirmed the privileges of the house of assembly. In this document they say: "Upon the materials before us, we cannot advise with-  
"holding a new writ for the election of a member for the  
"county of Annapolis, in the room of Mr. Walker, whose  
"seat has been declared vacant by a resolution of the house  
"of assembly. We apprehend that the issuing of a new writ  
"is a necessary consequence of a vacancy created by the  
"resolution of the house, and we see no sufficient ground to  
"question the competency of the house to decide exclusively  
"and without appeal on the validity of an election of one of  
"the members." The opinion is signed 'V. Gibbs' and  
'J. Plumer,' Lincoln's Inn, 7 July, 1807. This was laid before the council 2 March, 1808, present the lieutenant governor and messrs. Butler, Belcher, Wallace, E. B. Brenton, and Charles Hill. They advised writs to issue for Mr. Walker's seat, and also for that of Mr. Allen Chipman, for Sydney county.

Sir John Wentworth's administration of the government of Nova Scotia now came to a close. Whether the prospect of a war with the United States led the ministry to the conclusion that it would be best to have a military man here as governor, so as to unite the command of the troops with the civil chief authority, particularly as Sir James Craig was sick



at this time;—or whether they may have disapproved of some of Sir John's proceedings and opinions, or possibly thought he was now too old for the position he filled, it is out of our power to ascertain. Whatever may have brought about the change, lieutenant general Sir George Prevost, baronet. was made lieutenant governor of Nova Scotia, by a commission, dated 15 January, 1808, and arriving at Halifax the 7 April, notified Sir John Wentworth of his appointment. (The official letter of lord viscount Castlereagh on the subject was not received here until the 25 April, so the information of his being superseded was quite unexpected by Sir John. Sir George Prevost arrived at Halifax on thursday, 7 April, with the 7th, 8th, and 23d regiments of foot, each upwards of 1000 men strong. Brigadier general Houghton also accompanied him. As soon as the *Penelope*, ship of war, had anchored, major general Hunter, and Mr. M. Wallace, acting secretary, went on board to greet the new lieut. governor. At 6 o'clock he landed at the king's wharf, under a salute from fort George, and was escorted by the grenadiers of the 101st regiment to government house. On wednesday, 11 April, the 101st regiment began their march from Halifax to Annapolis. 13 April, the council met; present, lieutenant governor Sir John Wentworth, chief justice Blowers, doctor Croke, judge of vice admiralty, and messrs. Butler, Belcher, Wallace, E. B. Brenton and Charles Hill. The new commission was read. Sir George Prevost took the oaths, and signed the rolls. Sir John Wentworth placed him in the chair, and having congratulated him and thanked the council for past support, withdrew. 16 April the council addressed Sir J. W. in most respectful terms.

The British government did not, in removing so old and faithful a servant, omit to display its generosity in providing for the comfort of his declining years. A pension was arranged for his benefit, to be met partly by the British exchequer and partly by the provincial funds. Sir George Prevost had been sent with troops to reinforce Bermuda and Nova Scotia. The ship of war *Penelope*, in which he embarked, had the transports under her convoy, one of which parted company three days after they left Spithead. They reached Bermuda

24 March, and left the 13th regiment there. The passage to Halifax was stormy, but all got safe into port. On 18 April, the council again met, and, by order of Sir George Prevost, the attorney general Richard John Uniacke was sworn in as a member of H. M. council. The militia was estimated at 9000 men, and it was decided to call the assembly together on the 19 May, to amend the militia laws.

In a letter from Sir George Prevost, 27 April, to E. Cooke, esq'r., under secretary of state, he says he found Sir John Wentworth wholly unprepared for his arrival. "In consequence, it was only a few days ago I assumed the civil administration, nor have I as yet taken possession of the government house, an edifice out of all proportion to the situation, and the cause of my predecessor's reduced circumstances, notwithstanding the increase his income derived from his situation of surveyor of woods," He hopes he may have same salary as the lieutenant governor of Lower Canada. Mentions Mr. Uniacke's being a member of the council, and requests a *mandamus* for him "in conformity to the arrangement made respecting this event some years ago." The effective force of the militia in Nova Scotia, he considered would not exceed 3000 men,—in New Brunswick, 700, and Cape Breton and Prince Edward Island would perhaps together furnish 400. He says, 'hitherto the male population' 'composed the militia. It was rather a *levée en masse*, of which one-third only will be called out for training and instruction.' He approves of Sir John Wentworth's mode of embodying the militia. He mentions sending 'a respectable and intelligent inhabitant of Halifax,' (this was Mr. John Howe), 'first to Boston, then to Washington, Norfolk and New York.' It would seem the object was to get information as to any warlike preparations in the United States. He recommends Mr. George, who had accompanied him as his private secretary, to be secretary and registrar of the province. As to the defences of the province, he says: 'Ruin and desolation is the characteristic feature, and endless expence must attend them, unless they are constructed in a more permanent manner, and are more concentrated.'

The assembly met again on thursday, 19 May, (9th general assembly, 3d session.) Sir George Prevost referred in his opening speech to the protection afforded the province in troops sent out, and arms supplied. He recommended a revision of the militia laws, and concludes thus : " If at any " time, contrary to my wishes, I should unfortunately err, it " will, gentlemen, be an error of judgment and not of the " heart ; and although I am unused to make professions, I " will give you the honest assurance of a soldier, that I shall " constantly endeavor to act with the strictest justice and " equity towards every individual." Messrs. Hutchinson, Tonge and Robie were the committee to draw the reply. 20 May. Colin Campbell, Joseph Barss and John Sargent, were sworn in as members of the house ; and William Robertson returned for town of Annapolis. In the reply of the house they compliment Sir G. Prevost, and express their gratitude to the king for appointing him, an officer of " distinguished character and " great military talents to preside over us the present critical " period : in the sending of a respectable force, under your " excellency's command, for our protection, and in the supply " of arms, clothing and camp equipage, so graciously granted, " for the use and accommodation of our militia." They promise to revise militia laws. " The loyalty of this colony has " been tried and acknowledged in times of great emergency, " and has always constituted the happiness and boast of its " inhabitants ; and we can confidently assure your excellency " that the people whom we have the honor to represent are " animated with the like principles of loyalty, and with an " affectionate attachment to his majesty ; and that if personal " exertions shall be required, it will be found that in them the " spirit of their ancestors has not degenerated."

Monday, 23 May, 1808. Sir G. Prevost sent down a message, with the following letter :

*Downing street, 24 January, 1808.*

Sir,

It having been found necessary to appoint you lieutenant governor of Nova Scotia, and to revoke the appointment of Sir John Wentworth, I am to state to you that it is H. M's.

intentions that a provision should be made for his honorable retirement. His majesty will direct measures to be taken for defraying part of the Royal allowance intended him from the revenues of this country ; and he entertains no doubt that the assembly of Nova Scotia will also, on their part, take Sir John Wentworth's services into consideration, and enable him to apportion the remainder of the annuity designed for him from the revenues of the province.

I am therefore to signify his majesty's pleasure that you do take a fit opportunity for communicating H. M's. favorable opinion of Sir John Wentworth's services to the house of assembly, and recommend them to enable H. M. to make a provision for him, and I should trust that provision will not fall short of £500 a year, as it is intended to provide a similar annuity for him from funds here.

I have the honor to be,

&c. &c. &c.

CASTLEREAGH.

26 May. Motion to grant a pension for life to Sir J. Wentworth was negatived on a division in the house, 18 to 14; and a vote passed, 20 to 12, granting him a pension for one year. To this the council objected, that the provision should be by bill and for life, to meet the views of the crown. The house eventually passed an act, imposing an additional duty of sixpence a gallon on all wines imported and consumed in the province, from which duty £500 sterling per annum should be paid as a pension for life to Sir John Wentworth. Thursday, 16 June. An address was adopted to Sir John Wentworth, in the following terms : " The house of assembly embrace the occasion which the present session affords, of expressing to your excellency, on your retirement from the government, their grateful sense of the benefits the province has experienced since the commencement of your administration. When his majesty was graciously pleased to appoint you to this government, the province was burthened with a heavy debt—its credit was reduced—its revenues unequal to its expenditures, and its progress in agriculture thereby greatly impeded. During your administration, sir, we have seen the provincial debt dischar-



ged—large sums of money applied for public purposes, and the agriculture, commerce and fisheries of the province greatly improved and extended. Political circumstances having induced his majesty to place the government of this province in the hands of a distinguished military officer, his majesty was not unmindful of your long services, but was pleased to recommend to the assembly to enable him to make a provision in part out of the provincial funds for your honorable retirement. The house has fully complied with H. M. wishes by a bill passed for the purpose, a copy of which is presented to your excellency, with this address. May your excellency long enjoy the felicity of private life, accompanied with the approbation of our most gracious Sovereign, and the good wishes and affections of the inhabitants of Nova Scotia.” On the passage of this address, Mr. Tonge divided the house, when there were 16 for it and 12 against it. Several other divisions took place on amendments which he moved to its language, in all which the majority supported the address.—Saturday, 18 June. The lieutenant governor informed a committee of the house that “in addition to 2000 stand of old” “arms and accoutrements now in H. M. stores, he will order” “the issue of 2000 stand of new arms and accoutrements” “just arrived, on a pledge from the house that they will, at” “its next session, make provision for the payment of such” “arms, the new arms to be estimated at the Tower prices,” “and the old at reasonable rates,” also promising to apply for as many more as might be required to complete arming the militia on a similar pledge. The assembly accordingly, 20 June, resolved to pay for all arms and ammunition which should be issued for the use of the militia. Several inspecting field officers of militia (military men) were now employed and paid.—Monday, 20 June, 1808.

*Sir John Wentworth's reply to the address.*

To the honorable the house of assembly :

I am greatly obliged in your address, on my retirement from this government, political circumstances having induced H. M. to place it under the command of a distinguished military character. I am most thankfully sensible of his majes-

ty's gracious approbation of long services, in being pleased to recommend to the assembly to enable H. M. to make a provision in part for my honorable retirement; whatever could be added to this distinguished honor is derived to me from your goodness in thus presenting to me a copy of the bill accomplishing his gracious intentions, accompanied by your truly gratifying consideration of the benefits attained by this province during my administration, these having been the object of my warmest and unceasing endeavors. Such pre-eminent testimony of their efficiency and acceptance cannot but afford me the most flattering satisfaction to my mind, which will ever continue impressed with the liveliest regard for the inhabitants of Nova Scotia, and affectionate wishes for their happiness, wherein your friendly wishes for the felicities of my private life would be essentially promoted.

J. WENTWORTH.

£300 was voted for a light house at Annapolis gut.

Thursday, 23 June. Sir George Prevost closed the session, thanking the house for the militia laws they had passed, &c., and prorogued the assembly.

On the 2 June, Charles Morris, esq'r., the surveyor general of lands, was sworn in as a member of H. M. council, by the lieutenant governor's orders, having been recommended on the resignation of Mr. Halliburton, in May. 11 June. Crofton Uniacke was appointed receiver general of H. M. quit rents. New regulations as to grants of crown lands, and a new form of a grant, were adopted.

On 16 June, Aaron Burr, late vice president of the United States, whose singular character has made him the subject of romance, arrived at Halifax, from New York, under the assumed name of Edwards. He made himself known to Sir Geo. Prevost, and communicated several projects relating to the Floridas and other settlements appertaining to Spain. Sir Geo. Prevost consulted vice admiral Sir John Borlase Warren on this subject, and they confirmed Mr. Burr's original intention of going to England and laying his plans before the English ministry; and Sir George gave him a letter, introducing him to lord Castlereagh, dated 17 June.

The United States government had taken possession of Moose island, in Passamaquoddy bay, with an armed force, naval and military. This island contained 2200 acres, and had about 300 inhabitants, Americans. There was a custom house there, belonging to the United States. It was claimed as British territory. Fish was bought there from the English, and brandy, tea, &c., given for it, to be smuggled into the provinces. Sir George Prevost proposed to allow American vessels to trade with this province and New Brunswick, and by proclamation admitted neutral vessels with provisions. He also recommended that instead of the 'Hunter,' whose expence was fluctuating and uncertain, an armed, fast sailing, coppered schooner should be hired by annual contract, reckoning that £1500 per annum would be sufficient. Although the new militia law was a great improvement, he considered it *very defective* still, which he ascribed "to the jealousy manifested against measures emanating" "from government and to tendency to democracy, imbibed" "from our neighbours." Sir George Prevost, major-general Hunter, and the vice admiral, agreed in the propriety of occupying Grand Manan and Campo Bello, as military stations, in the event of a rupture with America ;—the first to secure the bay of Fundy, and the last to prevent any communication with the American settlements in Passamaquoddy bay. He speaks of the 'crooked policy' of Jefferson and Madison—their leaning to France, justified in the United States, on the ground that Great Britain 'is at her last gasp, and that America need' 'not fear her resentment, as France will soon be mistress of' 'the world.' (August.) The king had augmented the bishop of Nova Scotia's salary, on condition of his residing at Halifax; and lieutenant governor Prevost recommended the bishop to be made a member of H. M. council, to take rank next to the chief justice.

Lord Castlereagh wrote (7 July) to Sir George Prevost, to hold the troops he had accompanied to N. America in readiness for distant service. He replies, 24 August, that in three weeks he will have the 7th, 8th and 23rd regiments, together with a due proportion of artillery, in perfect readiness, and will

have vessels ready to take them and the 13th regiment from Bermuda. He had visited the midland and western parts of the province this summer. Lady Prevost and his children were now, as he supposed, crossing the Atlantic, for Halifax, and he asked Mr. Cooke to write her whether or not he was to return to his government after the expedition he was going on had terminated. He also says, 'You will not allow lieu-tenant colonel Desbarres to assume the command of Nova Scotia; better it should fall during my absence to the senior member of council.' Sir George Prevost was busied all this autumn preparing a force intended to capture Martinique. In a letter of 22 September, he calculates the troops, including officers, viz.: Royal artillery, 150 men; Royal engineers and artificers, 24; 7th regiment, 1099; 8th regt., 1087; 13th regt., 922; 23rd regt., 1076;—Total, 4,368 men. He was to take 14 small cannon, with 400 rounds for each—3 mortars, 5 barrels powder, one million spare ball cartridges, 24000 spare flints, and camp equipage for 2000 men. He ordered ten large flat boats to be built in the dockyard, with which, and the launches from the navy, he said from 1200 to 1400 men could be landed at a time. A battering train of 51 cannon, 29 mortars and 11 howitzers, were with the troops under Sir Charles Grey, who were to proceed from Barbadoes to unite with those under general Prevost. Twelve or fourteen horses were purchased by Sir George, (who was perfectly well acquainted with the West Indies), in order to use them for the service of the artillery at landing. He left the heavy baggage behind, to make room for camp equipage and stores, and also left at Halifax a large proportion of the women and children of the soldiers. Captain Dick, of H. M. S. *Penelope*, had received £350 for bringing him out to Nova Scotia, and now was to receive £300 for conveying Sir G. Prevost and his suite, and brigadier Houghton, to the West Indies. Sir James Craig who commanded both as governor and military commander in Canada, would not send a regiment to Nova Scotia, and delayed general Hunter's coming to Halifax to take command in the absence of general Prevost, which Prevost attributes to the 'peevishness and ill humor, the too common attendants'



‘of age and infirmity.’ General Prevost’s arrangement was to leave 400 regulars at Halifax, to whom were to be added six companies of the 101st regiment, from New Brunswick, and the militia were relied on in addition.

Sir George Prevost says the civil government in his absence would devolve on ‘an able tho’ rather unpopular character,’ ‘the judge of the admiralty,’ (Dr. Croke), ‘and as he is a’ ‘new man in this community, I have reason to believe that’ ‘on his assuming the chair, the chief justice will withdraw’ ‘from the council for the time. The chief justice being’ ‘senior counsellor, his disqualification is unfortunate, as he’ ‘is most deservedly and universally esteemed.” The immediate object of the expedition was not disclosed to Sir George Prevost until he received lord Castlereagh’s secret despatch of the 8 September.

Mr. Samuel Hood George, (son of admiral Sir R. George, and grandson of the hon. Thomas Cochran), was appointed secretary, register, and clerk of council, by a mandamus dated 20 June, 1808; and on Monday, 3 October, received a commission accordingly, and was sworn into office at a meeting of the lieutenant governor and council.

In the lieutenant governor’s letter of 27 October to lord Castlereagh, he mentions his intention to appoint messrs. Charles Stevenson and *Cottnam Tonge* to act as assistant commissaries in the expedition.

The naval defence of Halifax was provided for by the *Milan*, *Centurion*, and *Observateur*, being stationed there; and the brig *Plumper* was to remain in the bay of Fundy during the winter. Mr. Howe was sent a second time to Boston to obtain information, and reported to the lieutenant governor, sending on newspapers, &c, to shew the state of popular feeling there. Sir George tells Mr. Cooke, 30 November, “I am convinced neither Vallaret or Ernouf will yield to us” “their respective trusts without such a contest as shall save” “their honor.”

(Wednesday, 2 November, Philip Marchinton, esq’r., died, aged 72 years.)

The assembly met thursday, 24 November, 1808, (9th gene-

ral assembly, 4th session.) In his opening speech, Sir George comments on the war in Europe, and the prosperity of British trade and revenue. Referring to the embargo established by the United States, as intended to injure the colonies and commerce of Great Britain, he says : " The vast increase of " "imports and exports of this province proves that the " "embargo is a measure well adapted to promote the true " "interest of H. M. North American colonies." He congratulates them on the prosperity of agriculture and fisheries, and the augmentation of revenue. Informs them that he has organized 26 battalions of the militia, a large proportion of whom were armed and accoutred. During his temporary absence, he states that the hon. Alexander Croke will administer the civil government, and he recommends him to their confidence. John Cunningham was sworn in as member for the county of Sydney.

Messrs. Hutchinson, Robie and Tonge were appointed to prepare the answer of the house, which was cordial and complimentary. Mr. Tonge's name occurs in the journal of 30th November, for the last time. I conclude he went with Sir George Prevost to the West Indies. He was appointed secretary at Demarara, and remained there until his death. Major general Hunter arrived at Halifax, from New Brunswick, 30th November.

On the 6 December, at 9, A. M., Sir George Prevost sailed with the troops under his command. On the 7th, Dr. Croke was sworn, in council, as president of the province and commander-in-chief during Sir George Prevost's absence ; and on the same day he made a speech to the house, to which a formal answer was subsequently returned.

Mr. Wallace claimed compensation as commissioner for building the new government house, viz., 5 per cent. on £21,000 expended, being £1051 10s. od. Thursday, 29 Dec., 1808. A committee reported that the act of 1799 having fixed the amount to be spent at £10,500, "in many instances" Mr. W., the "acting commissioner, expended large sums of" "money, more than the grants for that service, and involved" "the legislature in many difficulties, by so far exceeding the"

“sum originally contemplated.” They decided to allow him only  $2\frac{1}{2}$  per cent. on £10,500, amounting to £262 10s. od.— On saturday, 31 December, the house in committee of supply, voted Mr. Wallace £500 in full for his services as commissioner, which was carried on a division, 18 voting for it, and 10 against it.

1809. Differences arose between the council and house about the appropriation bill. The council made several objections, the most important one being that the amount voted was too great, and would involve the province in heavy debt; but eventually, on 20 January, the council agreed to the bill. On monday, 23 January, 1809, the president gave his assent to the revenue bills and some other acts; and on the speaker presenting the appropriation act, which had passed both branches, the president said, ‘I do not assent to this bill.’ The house passed resolutions, justifying their course of action, and eventually notified the president that they had “no business whatever before them.” It appears by the journal of the house that on thursday, 26 January, the speaker and house attended the president, by command, in the council chamber, “where his honor was pleased to make a speech,” (in this speech, printed in the R. Gazette, he declared that the government would appropriate the revenue of the province more beneficially and economically than the assembly had provided for by their bill), “after which Mr. Speaker offered to address” “his honor the president, but was prevented in a turbulent” “and violent manner, by the hon. Michael Wallace, acting” “president of his majesty’s council, who declared the house” “prorogued.” It is said that the comedian Charles Stewart Powell, who was serjeant at arms to the house of assembly, and a man of much wit and humor, at the close of this infelicitous session, sprang into an attitude, (as if performing the part of one of the witches in Macbeth), and declaimed aloud— “When shall we three meet again: in fire, thunder, or in” “rain,”—in allusion to the three branches of the legislature, about to separate.

Dr. Croke, in his despatch to the minister, 23 Dec’r., 1808,

says the legislature is very dilatory in its proceedings, as is always the case. "The lower house is, as usual, composed" "principally of farmers, who have a little leaven of American" "democracy amongst them. They are, consequently, as a" "body, suspicious of government—jealous of their rights," "and strongly retentive of the public purse. Little or" "nothing whatever of party division prevails amongst them." "They are not at all under the control or influence of any" "individuals, either in or out of the house, but the government" "of the province has always a considerable power over them," "from its means of bestowing little favors and advantages" "upon the members and their friends. The council, consist-" "ing principally of H. M. officers, is always disposed to" "second the views of government." He objects to the bishop's being appointed to sit above him in council, as derogatory to his office. The resolutions of the house, condemnatory of the president's refusing his assent to the appropriation bill, were sent to the king's printer, Mr. Howe, for insertion in the Royal Gazette. He submitted them to Dr. Croke, who wrote him a letter, expressing his opinion that they should not be printed in the R. gazette. On this, Mr. Howe wrote to Mr. Wilkins, the speaker, declining to publish them; and Mr. Minns, to whom the speaker next applied, refused to print them in his newspaper.

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## APPENDIX TO CHAPTER XXIII.

### ( I. )

Married, 9 June, 1808, by the rector of St. Paul's, (Dr. Stanser), the reverend Charles Porter, A. M., president of King's College, Windsor, to miss Eleanor Wallace, second daughter of hon. Michael Wallace. His Excellency Sir George Prevost, bart., honored the ceremony with his presence, and gave away the young lady.

Died, 26 July, 1808, Rev. Mr. Jacob Bailey, rector of St. Luke's church, Annapolis, aged 76 years. Educated at Harvard College. Missionary of the S. P. G. Society at Pownalboro', on the Kennebec. Came to Nova Scotia as a loyalist,—was 26 years on duty at Annapolis.

Married, at Windsor, 8 Nov'r., 1808, by rev. Mr. Willoughby, the rev. William Colsel King, to Mrs. Elizabeth Gould, eldest daughter of the late lieutenant governor Francklin.



## CHAPTER XXIV.

SIR George Prevost arrived with his troops at Barbadoes on 29 Dec'r., 1808, but the French having reinforced Martinique and Guadaloupe, his further movements were delayed.

Dr. Croke, in his letter to lord Castlereagh of 11 February, states his having refused his assent to the appropriation bill, which had passed both houses. He endeavors to justify himself—1st, because there was a clause in it to pay the special agent of the province 200 guineas, as conflicting with the 16th article of the Royal instructions, forbidding the governor to pass any bill “of an unusual and extraordinary nature and” “importance, whereby H. M. prerogative may be prejudiced,” the special agent having been appointed without the governor’s concurrence ; 2nd, because he considered that there was ‘inconsiderate profusion’ in the sums voted, likely to embarrass the finances. £25,649 2s. 8½d. had been, in all, appropriated, while the probable ways and means amounted only to £17,080, which would make a deficit at the end of 1809 of £8569 1s. 8½d., equal to half a year’s revenue. He argues that the assembly have always sought to expend as much as possible for roads and bridges. He says : “The” “whole of the money so obtained goes amongst themselves” “and friends, as commissioners, contractors, and in a variety” “of other capacities, besides the convenience of the commu-” “nications in themselves. It has been a constant struggle” “of the council every session to restrain them within any” “reasonable limits. They have increased every year, and in” “the present appropriation bill have far exceeded all former”

"allowances." He says it has ever been even the avowed object of the democratic party to involve the country in debt for the purpose of rendering the house of assembly absolutely necessary to the government for the payment of the interest and other necessary supplies. "This principle, till the pre-" "sent session, has always been strenuously resisted by the" "council, but I am sorry to find amongst some of the new" "members of that board, a disposition to court popularity by" "supporting the assembly in their favorite views."

It is obvious that the necessity of roads being opened and improved, must grow greater as the progress of settlement and population advanced; and no other mode of expending the revenue could have tended so much to the benefit alike of town and country, in facilitating intercourse and promoting agriculture, as this kind of appropriation. As all our road commissioners were appointed by the governor in council, and were accountable to the executive, it seems unfair to charge members of assembly with personal motives on this subject. It is true they were called on usually to recommend and suggest the names of the commissioners, but this was only occasioned by the want of local knowledge on the part of the council, who, I believe, frequently overruled these nominations whenever they thought fit. It is certain that the members of the council never sympathised fully with the intense desire for road improvement which the rural population everywhere felt. Although they ought to have considered that the benefit of roads acted as fully in favor of the town as of the country, yet their time and attention being engrossed with their public and private business in Halifax, from which some of them rarely went 50 miles on any occasion, and as some of them were strangers who only resided officially here, they were jealous of any diversion of public funds from the civil list. Dr. Croke, now president, had been a short time in the province, and had imbibed prejudices against the members of the house, not being aware that in this matter they only represented faithfully the wishes and interests of their electors, and now, to his dismay, he finds that the council recedes from its usual opposition, and puts himself in the gap to oppose the popular will.

Until 1786, no appropriation act had been usual, the sums agreed on by both branches being paid without a bill. Dr. Croke proposed that the sums he deemed most necessary to be paid should now be taken from the treasury on the joint votes passed in the late session, agreeable to the practice prior to 1786. He suggests to the minister also that £4000 a year additional should be granted by parliament, towards the provincial estimate, so that *all the civil officers* of the colony should be paid their salaries independant of the assembly; and to cover this sum, that additional duties might be raised in the customs. He says: "This measure might be brought" "forward even *as a favor* intended to the province." He also suggests, "To direct the governor not to assent to the pay of" "the members of assembly. They now receive ten shillings" "a day till £800 is exhausted, which occasions their sessions" "to be protracted till the money is exhausted."

On saturday, the 10 March, president Croke submitted this question to H. M. council: "Whether, no appropriation bill" "having passed, the lieutenant governor or commander-in-" "chief has power or authority, with the advice and consent" "of H. M. council, to draw, by warrant, on the treasury for" "any such sum or sums of money as have been voted by the" "assembly and agreed to by the council, for the purposes" "expressed in such votes and resolutions." On the 14 March, the council requested that the opinion of the attorney and solicitor generals should be obtained on this point. (The chief justice, Blowers, had declined to attend the council on this occasion.) 22 March. The opinions of the attorney and solicitor general were read. They were against the power sought by the governor. Dr. Croke then took a vote of the council on the point. Mr. Michael Wallace, the treasurer, voted alone in favor of the president's claim of power, the other members present, viz., Belcher, Brenton, Hill, Uniacke and Morris, against it. He put several other questions to the board,—one on the revenue acts: whether the governor could draw sums from the treasury without an appropriation bill. On one of these acts, all the members, except Mr. Wallace, replied in the negative. On the other act, Wallace,

Belcher, Brenton and Morris, were of opinion that the king could use the sums raised under it. Hill and Uniacke dissenting, and Brenton afterwards begged to retract his opinion as erroneous. On the 24 and 28 March, Dr. Croke took the opinion of the council as to his drawing warrants on the treasury, when, on a division, Mr. Wallace voted in favor of his doing so, and messrs. Morris, Uniacke, Hill, Brenton and Belcher in the negative. Dr. Croke tells the secretary of state, "I was very sorry to find that H. M. council, and even" "most of those members who hold places in the government," "seemed inclined to support the pretensions of the house of" "assembly, rather than those of the governor,—and that" "they shewed little disposition to relieve the government" "from its embarrassments. It is much to be lamented that" "the chief justice, who has privately given his approbation" "to the steps I took, and who is decidedly of opinion with" "me as to the rights of the governor, could never be pre-" "vailed on, though specially summoned and admonished, to" "attend any privy council since Sir George Prevost's depar-" "ture."

Sir George Prevost had anticipated that Mr. Blowers, the chief justice, would absent himself from the council while Dr. Croke administered the government. As to the opinion the chief justice had about the powers of the executive to nullify the judgment of the assembly in revenue and expenditure, I cannot help supposing that he felt doubtful whether English lawyers and statesmen would approve of the governor's interference with the treasury, when both branches had concurred in the appropriations, and the acting governor desired, by force of prerogative, to annul their decisions. The result of the reference to the English attorney and solicitor general in the case of Walker's seat for Annapolis, had shewn that the representative body were regarded in England as the house of commons of the province. The doctrines of Uniacke and Stewart had, on that occasion, been fully upheld, and the views of the chief justice overruled. He would therefore be, very properly, cautious of committing himself now, especially



as his absence from council evinces a distrust of Dr. Croke, or at least a want of inclination to support his administration.

Dr. Croke refers to the attorney general receiving 200 guineas per annum from the assembly by an annual vote, and the solicitor general *all* his salary in the same way, as likely to affect the independance of their judgment. He also expresses apprehension that the province will be lost to Great Britain, unless the prerogative be upheld. He says: "Whatever" "outward appearances there may be of loyalty and affection" "to Great Britain, the relations—the family and commercial" "connexions, and the property of a great part of its inhabi-" "tants, centre in the United States. Is it, then, to be won-" "dered at that they should be attached to American princi-" "ples and democratic forms of government?"

That the people of Nova Scotia, of all ranks and origin, have ever set a high value on the principles of justice and freedom, secured to them by British law, admits of no doubt. In Dr. Croke's imagination all this was perverted into a desire for the republican principles of the United States, and he set himself in opposition to nearly every gentleman in the colony, as well as to the representative branch. In his Prize Court, Dr. Croke was absolute, and his salary and emoluments were about treble those of the governor of the colony. It was hard on him to listen to the opinions of other men, who differed from himself; and we see that in his official letters to England, he descended to impute interested motives to the members of assembly as regards their pay, &c., and the provincial law officers of the crown.

The winter of this year proved very severe, and a large subscription was made 10 February, 1809, for relief of the poor. [On sunday, the 19th inst., at Annapolis, the lady of lieutenant colonel Darling was safely delivered of a son. *N. S. R. gazette, tuesday, 28 Feb'y.*, 1809. This, I think, was Sir Chas. Darling, late governor of Victoria.] Early in March, 1809, the U. S. congress passed a bill—to remove the embargo, on 15 March, except as to England and France, and their dependencies. The vessels of war of the two belligerent powers were forbidden to enter the waters of the United States. After 20 May,

all French and English vessels were interdicted from entering the harbors, &c., of the United States ; and importation of goods from England and France, and their dominions, after that date, was made unlawful.

The lieutenant governor, Sir George Prevost, arrived at Halifax 15 April, with the 7th, 8th and 23d regiments of foot, and the artillery he had taken hence, having co-operated in the capture of Martinique. On Tuesday, 25 April, he met the council, and submitted a question to them—Whether the money votes which had been concurred in by both houses, were a sufficient authority to him to draw warrants for money on the provincial treasury. On a division, four members voted in the affirmative, viz., C. J. Blowers, Dr. Croke, and messrs. Butler and Wallace ; in the negative, messrs. Belcher, Brenton, Hill, Uniacke and Morris. Monday, 1 May, he asked the advice of the council as to what course he should take, when the opinion of the majority was in favor of proroguing the assembly to Thursday, 25 May, then to meet for dispatch of business ;—majority, Belcher, Brenton, Hill, Uniacke, Morris ; minority, Blowers, Butler, Wallace. (Friday, 28th April, the gentlemen of Halifax gave a public ball at the Masonic Hall, to Sir George Prevost and the officers of the army and navy. The ball was opened by Sir George and lady Mitchell. Chief justice Blowers gave out the toasts at 12½ o'clock, at supper. The ball ended at 4, A. M.) On the 4 May, Sir George writes to lord Castlereagh, on ‘ the difficulties the president has ’ ‘ created from not having kept up that good understanding ’ with the council, and having refused to assent to the appropriation bill. He says he has convened the general assembly, to meet on the 7th June ; and “ I propose leaving untouched ” “ the nice and difficult constructions on colonial legislation, ” “ which have arisen out of this measure.”

Friday, 26 May. The right reverend Charles Inglis, D. D., bishop of Nova Scotia, was sworn in as a member of H. M. council, on a mandamus. His seat was to be next after the chief justice, and he was *not* to administer the government in case of the death or absence of the lieutenant governor.

Wednesday, 7 June, the assembly met, (9th general assem-

bly, 6th session.) Sir George Prevost, lieutenant governor ; S. S. Blowers, C. J., president of council ; L. M. Wilkins, speaker ; S. H. George, secretary of council ; William Hill, acting clerk of assembly in the absence of Mr. Francklin. The house of assembly voted an address to Sir George, in compliment on his success in the expedition to Martinique, and 200 guineas to purchase for him a sword or a piece of plate. 10 June, the speaker and house attended him, when he received the address graciously. On the same day, three bills received his assent, one being the appropriation act. He complimented both houses on their harmony, assiduity and liberality, and then prorogued the assembly.

Sir George Prevost says 'a more favorable and expeditious' 'session has not been witnessed in the province. Our measures were conducted without retrospect or reference to the' 'events which had marked Dr. Croke's administration. The' 'prerogative of the king's representative was, I hope, duly' 'maintained.' [*Letter of 17 June to ———.*]

Norman Fitzgerald Uniacke, (eldest son of Richard John Uniacke), was at this time made attorney general of Lower Canada. He arrived at Québec 5 June, and entered on the duties of the office.

The Spanish (Junta) ambassador at London complained that Miranda, and Aaron Burr, were in London, engaged in enterprizes against the provinces owned by Spain, in South America. Miranda got a passage to St. Christopher's ; Burr appeared when summoned, and was notified that he must depart from England. He disclaimed all connection or participation with any design against the Spanish colonies, and claimed, as a British subject, under *magna charta*, to remain in this country, to which he avowed allegiance. He was reminded of his being an American citizen, and of the station of vice president he had held, but he urged the maxim that no one can put off his allegiance, as British law ; but his ideas were not those of the English authorities who advised him to leave the country. On this he pleaded want of funds. Eventually he was escorted to a northern port, and embarked for the continent. In July, Sir George Prevost visited Pictou and

Truro, where he received addresses from the inhabitants. He was accompanied by Mr. M. Wallace, Mr. S. H. George, and his A. D. C., captain Prevost.

Sir George Prevost having ascertained that the provincial government schooner *Hunter*, (of 104 tons, built at Quebec of Canada oak), had cost upwards of £3400 yearly, had her sold at public auction. Mr. Belcher bought her for £701 5s. od. currency, and contracted with the government to keep her for service at £2400 per annum. This sum the lieutenant governor requested the secretary of state to place in the parliamentary grant for this province for the year 1810, in place of £600 before allowed. £225 sterling was drawn for secret service. In July, the 101st regiment was sent from this province to Jamaica.

24 July. The lieutenant governor applied to lord Castle-reagh for liberty to H. M. subjects to open the mines of Nova Scotia on terms prescribed. He considered that this measure would produce a material increase of the revenue. In August he writes again to the secretary of state, on a claim made by Dr. Croke to half the salary of lieutenant governor for the period of his administration. President Croke had received all the governor's fees during this time. If this demand should be granted, Sir George's only recompense for his services at Martinique would, he says, be a 'diminution of an' 'income already inadequate to the due maintenance of my' 'appointment.' He states that since he declined to continue the course that had produced misunderstanding with the legislature, the Dr. had absented himself from his duty in council. He says that when he was governor of Dominica, and served at the reduction of St. Lucia and Tobago, 'no demand of' 'either fees or salary was made by the president succeeding' 'to the civil authority, although he was a private gentleman,' 'not in the receipt, as Mr. Croke is, of a large salary from' 'the crown, and considerable emoluments from his office.' He also, in a letter to Mr. Cooke, under secretary, says he is informed that no proportion of the salary granted to either of the lieutenant governors of New Brunswick or Cape Breton is received by the person administering those governments in



their absence. He suggests that the inhibition against the chief justice's administering the government be removed, or that it be made to apply equally to the judge of the admiralty.

The sums voted by the assembly to pay for arms of the militia, would amount in Dec'r, 1810, to £3000. Sir George recommends the crown to bestow part of this 'arms fund' in aid of building and repairing churches of the establishment in remote and poor parishes, and enlarging King's college, at Windsor.—In November, he suggests that if serious apprehension of war with the United States should arise, he might be authorized to re-occupy fort Cumberland. He also asserts that the land defences of Halifax are rapidly deteriorating.

On monday, 18 Sept'r., six men, viz., the boatswain, three seamen and two marines, were executed at Halifax for a mutiny on board H. M. S. Columbine, on 1st August, at St. Andrews. They were afterwards hung in gibbets on Mauger's beach. Before going up on the scaffold they confessed their offence.

In September, Sir G. Prevost visited Cumberland, where he received an address from the people.

On thursday, 9 November, the assembly met, (9th general assembly, 6th session.) In his opening speech, lieutenant governor Prevost alludes to the war in Europe, and the independant course maintained by England—congratulates the assembly on the prosperity of the agriculture, trade and revenue of the province. He specially recommends them to provide for the road service, expressing a hope that next year a free communication will be open to the capital from all parts of the province, and promises them an estimate of what is required for the purpose, and suggests that the agriculture, trade and fisheries 'having manifestly improved under the' 'system hitherto pursued,' it should be continued. He refers to the militia laws and arrangements as quite successful. The expence of arms, &c., purchased for the militia for the year ending 30 September, 1809, was over £11,400. The revenue account for the year ending 31 October, 1809, exhibited an income of £25,641 15s. 10d.; against this stood sums appropriated, to be drawn out, £4528 3s. 2d.,—leaving at the dis-

posal of the legislature a balance of £21,113 12s. 8d. Saturday, 25 November, I find the name of Mr. Shey, in a division of the house. He was member for Falmouth, in place of J. Northup, deceased. 30 Nov'r. A petition to the house disclosed that two industrious young men, Edward McCray and Matthew Allan, natives of the province, having sought redress for timber they had been unjustly deprived of, by suing the aggressors, had, through a conspiracy, been impressed, and carried away in the *Thetis*, frigate, to the West Indies, and the house was prayed to act for their release, and the punishment of the conspirators. 8 Dec'r., the committee reported in favor of this petition, and next day the house passed an address to the governor for their relief. 15 Dec'r. An act to provide for the support of a light house on Brier Island, at the entrance of the bay of Fundy, received the lieut. governor's assent. The building a pier at Arisaig, to form a harbor, was discussed and approved of. £168 11s. 2d. was voted for expences of trying Jordan, &c., for piracy and execution; and £111 2s. 2d. reward for apprehending him. The assembly was prorogued 22 December, 1809.

Much horse racing took place this year, chiefly carried on by officers of the garrison. The Rockingham club held its dinners.

In the autumn of this year a sad tragedy was acted on board of a small schooner owned by messrs. Jonathan and John Tremain, of Halifax, called the *Three Sisters*. She was on her way from Percée to Halifax, with fish. The master was John Stairs—the mate John Kelly. There were two seamen, named Thomas Heath and Benjamin Matthews. Edward Jordan, his wife Margaret, and their four children, three girls and a boy—the last 9 years old, the girls younger—were in her as passengers. Jordan had built the vessel, but, falling in debt, made her over to his creditors, the Tremains, who obtained the register. He begged a passage of the captain, Stairs, for himself and his family. On 13 September, having got possession of whatever arms were on board—that is, a pair of pistols and one or two axes—he murdered the two seamen, Hatch and Matthews, and would have killed Stairs,

but the last escaped his fate by throwing a hatch overboard and jumping on it. After near four hours' floating, he was picked up by an American fishing vessel, and carried to Hingham. The wife assisted Jordan in the slaughter, and the mate (Kelly) remained at the helm, intimidated, and took no part. Jordan went to the Bay of Bulls, and intended to carry her to Ireland; but as Stairs had got to Boston, and the news of the affair spread, he and his family were seized and brought to Halifax, and so was Kelly subsequently. A trial of Edward Jordan and his wife took place at Halifax on the 15th and 16th November, 1809, before a special court, held under the Royal authority, according to the act of 11 and 12, Will. and Mary. The judges were 15 in number, viz.: the lieut. governor Sir George Prevost, bart.; vice admiral Sir John Borlase Warren, bart.; Blowers, Butler, Wallace, E. B. Brenton, Hill, Uniacke, and Morris, councillors; Robert Lloyd, H. M. S. Guerrier, John Conn, H. M. S. Swiftsure, lord James Townshend, H. M. S. *Æolus*, John Simpson, H. M. S. *LaFurieuse*, captains Royal navy; Samuel Hood George, secretary of the province, and Thomas Nicholson Jeffery, collector of the customs at Halifax. After a full hearing, the court unanimously found the prisoner guilty of piracy and murder, and his excellency pronounced the sentence of death. His wife was adjudged not guilty. Kelly was afterwards tried and convicted, but was respited and pardoned. Jordan was hanged on the beach near Freshwater bridge, on monday, November 23, and his body afterwards hung in chains on a small hill close to the shore of the harbor, a few yards to the North of the road that runs West to the round stone Tower above Point Pleasant. Heath left a wife and two small children in destitution. Jordan is described as a dark-complexioned man, of about 38 years old. Kelly a short lad, of about 22. Dr. Croke declined attending as one of the court, as his claims to preside over it and have a veto, which he demanded as judge of admiralty, were not agreed to.

APPENDIX TO CHAPTER XXIV.

( 1. )

10 May, 1809. Married, by the Rev. Dr. Inglis, George Pyke, esquire, of Quebec, to miss Eliza Tremain, daughter of Jonathan Tremain, esquire, (of Halifax.)

( 2. )

Sissiboo, April 3. Colonel James Moody died, aged 64. He was a celebrated loyalist, who had been very adventurous in the American revolution. His descendants settled afterwards in Yarmouth.

( 3. )

July 2. George Deschamps, esq'r., only son of the late hon. Isaac Deschamps, died at Halifax, aged 72.

( 4. )

*[From the N. S. Royal Gazette, of July 4.]*

"On Saturday last a most superb entertainment was given by the right hon. lord James Townshend, at the Fountain tavern, on his promotion to the rank of post captain, and appointment to H. M. S. Squirrel, to his brother officers. The evening was past with the greatest conviviality. The company broke up at 12 o'clock." He subsequently married here a miss Wallis, whose brother became an admiral. In the gazette of 10 July, capt. Shortland's 'grand dinner' is mentioned also. Among the guests, lord James Townshend, captain Scott, and other naval officers, major Battersby, &c.

( 5. )

Tuesday evening, 22 August, 1809. Married, by the rev. Dr. Gray, at the seat of Sir John Wentworth, bart., Richard Cunningham, esq'r., of Windsor, to miss Sarah Apthorp Morton, eldest daughter of the hon. Perez Morton, of Boston, and niece of lady Wentworth.



## CHAPTER XXV.

1810. There was no assembly held in 1788, which, I thought, the only year in which this occurred ; but I find that in 1810 no meeting of the legislature took place. In January, Sir J. Wentworth, being about to go to England, made Mr. Wallace his deputy as surveyor general of H. M. Woods in America. 5 June. Sir George Prevost, in consequence of the absence of members of council, recommended James Stewart, esquire, the solicitor general, and Thomas N. Jeffery, collector of customs, to be made members of that board. An act of 1809, provincial statute, 50, Geo. 3, chapter 15, had raised the salaries of the assistant justices of the supreme court from £400 currency to £500 currency each, besides travel fees, and increased their number from two to three. Sir George Prevost accordingly appointed Foster Hutchinson, ‘ the senior barrister of the ’ ‘ Nova Scotia bar,’ to the additional judgeship. Sir G. P. says ‘ He is a man learned in the law, of good estate and ’ ‘ irreproachable character, and in consequence of this appoint- ’ ‘ ment has vacated his seat as a member of the house of ’ ‘ assembly, and resigned a lucrative situation he has held ’ ‘ with credit for many years under government, and is in ’ ‘ every respect deserving of his majesty’s favor.’ All this was as true as it was honorable to this gentleman. He had held an office of military commissary, besides his law practice. He belonged to the family of the historian Hutchinson, of Massachusetts, and was connected with governor Mascarene. Judge Hutchinson’s reading was not confined to law books. His tastes were classical and refined, and withal he was a polished

and truly amiable gentleman, and, above all, a man of remarkable integrity. He was not robust, and did not live long to enjoy the dignity of the bench.

Sir J. B. Warren, vice admiral, and John Nicholson Inglefield, commissioner of the Navy yard at Halifax, prayed for grants of land in Nova Scotia—Warren for 4000 acres and Inglefield for 2000, and the lieutenant governor wrote on each application to lord Liverpool, recommending their requests. The lords of the treasury this summer concurred in the suggestion of Sir George Prevost, that the money paid by the province for militia arms, should be appropriated to the established church in Nova Scotia, in aid for repairing and completing churches, &c. Sir G. P. had prayed for an increase of the salary of the lieutenant governor, and he was now notified that £1000 per annum, to commence from 1 January, 1809, should be proposed for that purpose in the next estimate to be laid before parliament. (It was £2000 a year in 1814.)

There appears to be very little of local affairs during 1810, of which I can find any record. The newspapers of Halifax are filled with the war in Europe, &c.—the sailing or arrival of men-of-war, and ordinary advertisements. The official letters of the governor are brief and few. Occasionally a play is notified, performed by the officers of the garrison. The Rockingham club has its saturday dinner, at 4, P. M., (held, I believe, at the Rockingham inn, about 6 miles from town, West side of the basin.) Addresses are published from the inhabitants to general Hunter and admiral Warren, and the merchants of Halifax give the latter a public dinner on the 26 November, at Mason hall, at which Mr. Belcher presides, and Mr. Harts-horne is vice president,—and about 160 sat at table. Saint Patrick's day has its public dinner, &c. In fact, while war raged elsewhere, Nova Scotia was peaceful, busy and prosperous, (on a limited scale), and free from disturbance, agitation or crime.

October 2. The 2d battalion of the 8th regiment arrived at Halifax in H. M. ships *Diadem* and *Regulus*. Major-general Balfour and daughters came passengers in the *Diadem*. On

the 8th same month, these vessels took away the 23rd regt., (Royal Welch fusileers), on their voyage to Lisbon.

I have before me the list of justices of the peace appointed February, 1810, in the N. S. Gazette. In each county the several members of H. M. council are first named solicitor general Stewart, and Mr. George, the provincial secretary next ; in Halifax, John George Pyke was *custos rotulorum* ; four episcopal clergymen and two presbyterian ;—83 in all for the county of Halifax, which then embraced Colchester and Pictou.—Hants justices were forty in all, and in this number four episcopal clergymen ; John McMonagle was custos. Kings, forty-three justices ; John Chipman, custos ; one clergyman of the establishment. Lunenburg, twenty-two justices ; D. C. Jessen, custos ; one clergyman of the establishment. Queens, twenty-five justices ; Joshua Newton, custos. Shelburne, thirty justices ; Gideon White, custos. Sydney, twenty-seven justices ; Thomas Cutler, custos ; one clergyman. Annapolis, fifty-one justices ; Thomas Millidge, custos ; one catholic clergyman—four of the establishment. Cumberland, twenty-seven justices ; Charles Baker custos. The councillors, and solicitor general and secretary, are included in these totals.

1811. January 19. Sir George Prevost transmitted to the earl of Liverpool a petition from merchants and others, of Halifax, praying that the king would permit the coal mines in Nova Scotia to be opened and worked under such regulations as it might be advisable to establish. He tells the minister that there is evidence of coal abounding in this province, and that in parts of it, veins of coal were partially wrought by the proprietors of the soil whereon they are found, for their supply of fuel and their neighbours, notwithstanding the restraining clause inserted in all grants to prevent such practice ; and he recommends that the petition be acceded to by the crown. (Some of the early grants only reserved mines of gold and silver.) Sir George also sent to the minister memorials from Dr. Croke and Mr. Butler, members of council, praying for a grant of 4000 acres of crown land each, and mentioned that the other members of that body wished 'for a similar mark'

‘of the king’s favor.’ He recommends these grants, ‘as the’  
‘only remuneration which can be made to those gentlemen’  
‘for the punctual and zealous discharge of a laborious duty.’

Thursday, the 14 February, the assembly met, (9th general assembly, 7th session.) The opening speech of the lieutenant governor refers to the illness of the king—the general war—the contest on the Spanish peninsula, and a hope that the United States would not become hostile to Great Britain. He then adverts to the growing importance of the fisheries and agriculture of the province—the enlargement of its principal ‘town, and the cultivation of useful and ornamental sciences’ ‘by our youth,’—all of which he says are ‘unequivocal indications of a prosperous and rising country.’ He then recommends the road service,—better accommodation for the legislature, courts of justice, and public offices; also, a provincial prison and reformatory, and an asylum for insane persons. Messrs. Robie, Ritchie and Archibald were the committee of the house to prepare its reply. The clerk of the house, Mr. Francklin, being in ill health, asked to have the assistance of Mr. William Hill, (afterwards judge), which was agreed to. — Friday, 15, was a public fast day, appointed by the lieutenant governor, in council, on account of the war, and the house adjourned over it. Thursday, 21. A committee of merchants, William Sabatier, and others, chosen annually, petitioned for a grant of money to Nathaniel Atcheson, esq’r., of London, who had acted as a special agent for the trade interests of the province. 25 Feb’y. The house resolved to appropriate £15000 for roads and bridges. (On 27th, the council sent this resolution back, not agreed to.) The public account to Dec’r. 31, 1810, shews as revenue £26,598 7s. 5d.; undrawn sums appropriated, £2020 12s. 3d.; balance to be appropriated, £24,577 15s. 2d. 2 March. The lieutenant governor, by message, sent the house vice admiral Cochrane’s letter respecting McCray and Allen, who had been impressed and carried away in the frigate Thetis. The admiral had ordered their discharge, but before that they swam ashore from the vessel in English harbor, Antigua. 8 March, the council sent down 142 resolutions of the house, for granting money for roads, agreed to.



The amount of the several sums was £11,727 10s. od. At the same time they negatived nine other road votes,—amount £690. £500 was voted to the treasurer, to cover salary, office rent, clerks, &c. 13 March, (wednesday.) The council passed the sums for roads, (£690), which had been negatived on the 8th. 15 March. Sir G. Prevost, by message, informed the house that the secretary of the province had represented to him ‘that the public records of the province were delivered’ ‘to him with imperfect or defective index, and in a ruinous’ ‘state,’ and requested they would find a remedy. (James Gautier, who had been over 23 years clerk to the successive provincial secretaries, and at times deputy clerk of council, having become aged and infirm, had petitioned the house of assembly, 23 Nov’r., 1809, for relief, and 26 March, 1811, £30 was voted to defray his funeral expences. It appears that he took great pains in indexing, arranging and endorsing the documents, letters, &c., in the secretary’s office, but in those days neither the number of clerks in the public offices, nor the compensation they received, were such as to ensure order and method in public business, and a sad chaos prevailed as to the archives.) 16 March. The house voted £500 in aid of Arisaig pier, the inhabitants of the Gulf shore having subscribed 625 days labor. Measures were adopted this session for erecting the Province building on the site of the old government house; meanwhile the West end of Cochran’s building was hired for the legislature. 1 April. The house voted £150 for binding the provincial records, and indexing them. The house passed an address to the lieutenant governor, to obtain a suspension of the collection of the king’s quit rents. An act was passed, 1811, c. 9, to establish a grammar school in each of the following counties and districts, viz., Sydney, Cumberland, King’s, Queen’s, Lunenburg, Annapolis and Shelburne counties, and in the districts of Colchester, Pictou and Yarmouth. The master of each school was to receive £100 a year from the treasury, and the assistant £50, when over 30 scholars attended it. The act was to be in force for seven years, and was afterwards continued until 1825. Halifax had a grammar school under a different act, and in Hants was the

King's college and the Windsor academy. An act, granting aid to common schools, also passed. C. 14 was the act for erecting a 'Province House.' The plan and elevation were prepared by Mr. Merrick. The chief justice, Blowers, the hon. E. B. Brenton, the speaker Wilkins, and judge Hutchinson, were to plan the interior arrangements. George Grassie, Winckworth Allan and John Merrick, were commissioners to superintend and conduct the building. It was to be 140 feet long, 70 feet broad, and 42 feet high, and constructed of free stone. Richard Scott was the builder employed, and the stone, I have understood, was brought by water from Ramshag, (since called Wallace), in Cumberland. It was not finished until 1819, and cost £52,000. The governor, in closing the session, called their attention to the *non-intercourse* law, passed in the United States, as indicative of approaching war, and rendering the care of the militia essential. The assembly was prorogued on wednesday, the 3 April.

Notwithstanding the seeming harmony that met the public eye as now uniting the three branches of the legislature, there was a dissatisfaction at work in the minds of Sir Geo. Prevost and his advisers with the members of the house of assembly. In his letter of 12 May, to the earl of Liverpool, he complains of 'certain abuses grown familiar to the legislation of this' 'province;' and being about to dissolve the assembly, desires the Prince Regent's commands 'thereon, previous to the' 'meeting of the next general assembly.' The first he mentions is a vote, annually passed, of £800, which is divided among the members of the house as pay for their attendance, nominally to pay contingent expences. He thinks this might subvert the tranquillity of the province, 'unless a wholesome' 'and moderate corrective is administered at this crisis, gently' 'to remove an evil highly dangerous to the prerogative of the' 'crown.' He then says that the other objects for consideration were stated in a protest, made by the attorney general, in legislative council, copy of which he encloses. (I have not been able to find this.) The concluding part of the dispatch is thus: "When the spirit and democratic forms of the" "government of our immediate neighbours are considered,"

“the prevailing disposition to encroachment in the represen-”  
“tative branch of the provincial legislature upon the rights”  
“of the crown is readily accounted for. My observation”  
“leads me to believe, that as Nova Scotia becomes sensible”  
“of her adolescence, her dislike to control will become more”  
“evident, and her attempts to shake off the restraints of the”  
“mother country more frequent. In short, her ties, in my”  
“estimation, are those of necessity and convenience more”  
“than of gratitude and affection.” However unfounded and unjust this portrait of Nova Scotia may appear to us, we need hardly be surprised that strangers at different periods have thought so unfavorably of us. Viewing Nova Scotia in her political situation, as she really is dependant and subordinate to the metropolitan state, they concluded, very illogically, that her inhabitants, when they claimed and contended for the same control over their own revenues and resources that Englishmen enjoy, were disobedient and disaffected. The assumption that the officials of a colony must rule in all things having been once adopted, all difference of opinion with them, or opposition to their projects, was considered as hostility to the crown and the mother country. I can put no other construction on these charges of disaffection so often revived, as in all the proceedings of our provincial assembly, from its earliest existence, there is no trace of disloyalty or disaffection, but always the reverse, and the general loyalty of our population has been notorious at every period of our history since the sad expulsion of the Acadian French.

The British parliament granted £12,965 sterling for the civil establishment of Nova Scotia for the year 1811. The Halifax committee of trade published a project for a provincial joint stock bank, in February, 1811. They proposed a capital of £50,000, in £100 shares. They contemplated a legislative charter, but as no proceedings appear to have been taken in the assembly, it is probable the share list was not filled up. The names of the committee, as signed, are: William Sabatier, Andrew Belcher, John Black, James Fraser, George Grassie, Charles R. Prescott, John Pryor, committee of trade.

On monday, the 12 August, 1811, the birth day of the

prince of Wales, now Regent, (owing to the mental affliction of Geo. 3), was celebrated by display of flags on forts and men-of-war, and at noon a review of the garrison on the exercising ground behind the hill, where Sir Geo. Prevost assembled the 8th regiment, 2d battalion—99th regiment, 2d battalion, and royal artillery,—the 1st volunteer militia artillery, and detachments from 8th battalion of Halifax militia. Salvos from the cannon and a *feu de joie* from the infantry were followed by three cheers and military music. At 1, P. M., a levee was held at government house, and the men-of-war fired royal salutes. On the same day, the ground where the province building now stands, was lined with militia. Sir George, having with him rear admiral Herbert Sawyer,—commissioner of the dockyard, J. N. Inglefield,—major general Balfour,—officers of navy and staff, &c., was received at the eastern gate of the enclosure by two companies of the 2d battalion militia, under command of captain Liddell, and the rifle company of the 8th battalion, under captain Albro. The freemasons attended, under their grand master, Mr. Pyke. Refreshments were partaken of under a *marquée*. The masonic chaplain, rev'd. Archibald Gray, D. D., pronounced a benediction, and the corner stone of a 'Province House' was laid, Sir G. Prevost assisting. Coins, and a written document, enclosed in a bottle, were inserted in a cavity prepared for the purpose, when the masonic ceremonies were ended. Sir George said: "May" "the building that shall arise from this foundation, perpetu-" "ate the loyalty and liberality of the province of Nova Scotia." Three cheers followed—then a royal salute from 4 field pieces militia artillery, under captain Tremain, and three volleys from the grenadier and light infantry companies of militia. The windows round were thronged with ladies, some of the fair sex had seats within the inclosure, and the crowd of spectators was unusually large. The address of the inhabitants of the town, on his expected departure, was immediately presented to the lieutenant governor, and at 5, P. M., he dined with them at Masonic hall, Mr. Belcher acting as president, and Mr. Wallace as vice president, where 25 toasts were given, and "several humorous songs were sung." [See Gazette of 14 Aug.,



1811.] Sir George Prevost, in answer to the house, promised he would transmit the prayer of their address for suspending collection of the quit rents, for his majesty's favorable consideration. In his letter to the minister, he suggests the propriety of connecting with the suspension some yearly allowance for the clergy of the established church by the provincial legislature, thinking the occasion favorable. The 'arms fund' was placed by the minister at the disposal of the lieutenant governor and council, for completing and repairing churches of the establishment, and other purposes, for the good of the province. The governor referred to the bishop for an estimate of what was required, and a committee of council reported and settled the amount. £700 was allotted to the minister and trustees of the established church of Scotland. Sir George says he thought it unnecessary to give part of the fund to schools, except to build a house for the grammar school at Windsor, as the bills had passed to aid the schools in the rest of the province.

On the 16 May, an English sloop of war, called the *Lille Belt*, commander Bingham, 22 guns, was cruising off the coast of the United States, about 100 miles East of Chesapeake. She discovered a sail, to which she at first gave chase, but supposing her to be an American frigate, relinquished her pursuit; but the other now made after her, and at 8 $\frac{1}{4}$  P. M., came up with her. The *Lille Belt* hailed the frigate, asking what ship she was. The frigate replied only by asking the same question of the *Lille Belt*. No answer was given, and the frigate, U. S. ship *President*, commodore Rogers, poured a sudden and unexpected broadside into the sloop of war. The action thus commenced, was carried on upon both sides for the space of three quarters of an hour. Of the crew of the *Lille Belt*, nine men were killed and twenty-two wounded, several of whom died afterwards. The *President* had only one man wounded. The *President* then ceased firing—filled her sails—sheered off—then hailed the sloop, asking her name, which was told—next enquired if she had struck her colors, and was answered in the negative. The name of the frigate being asked, she gave it. The *President* then stood off under

easy sail, and both ships lay to during the night, repairing damages. Next morning an officer from the frigate came on board the sloop, to express regret, as Rogers had supposed her a larger ship when he ordered the fire to be returned, (the Americans asserting that a gun had been fired at the President from the Lille Belt, which struck the mainmast of the frigate, previous to the broadside), and to offer assistance, and advice to make a harbor in the United States. The offers were declined, and the President left her. The Lille Belt then made her way to Halifax, where she arrived on the 26th May. The only explanatory circumstance was derived from a notice which had been posted up in the office of the New York Gazette, on the morning of May 14th: 'The frigate President is ordered' 'in pursuit of the British frigate, to demand, at the mouth of' 'her guns, the release of the man who was taken from the' 'American brig Spitfire, a short time since.' But no demand for a man, or to search for one, was made of the Lille Belt before or after the action, nor was she the man-of-war that had taken him from the Spitfire. The President was a large frigate, rated 44 guns. (She was stated by the British as carrying 54, and the Lille Belt as only 20.) The Lille Belt was sadly cut up, both vessel and rigging. She was originally Danish, being one of the squadron England had seized after they had been assigned by Denmark to the emperor Napoleon. Assertions, and I believe affidavits, were made on both sides respecting the shot the Americans alleged was fired by the Lille Belt before the broadside was discharged into her. The unanimous contradiction of this by captain Bingham and all his officers, and the utter improbability that the English sloop would attack a vessel so superior in size, armament, &c., especially in time of peace still subsisting between the respective governments, leave little doubt that it was a tale without foundation. This unhappy affair was of consequence, as it certainly assisted to bring about the war that was declared by the United States in the next year.

On 19 June, Sir James Craig resigned his command as governor at Quebec, and sailed for England, where he soon after died. Lord Liverpool's despatch of 31 May had directed Sir G. Pre-

vost, in case of Sir James Craig's death or resignation, to repair to Quebec, and assume the administration of the government of Lower Canada. This letter he received 27 July, and next day wrote to the minister that he had taken measures for his immediate removal, and should, without delay, proceed to Quebec. He sent orders to major-general Hunter, who was chief officer in New Brunswick, to resume the military command at Halifax, and major-general Balfour was to replace him at Fredericton as military and civil commander, (in conformity, as he states, with lord Castlereagh's letter to him of 24 Jan'y., 1808, and the additional instruction which accompanied it.) The civil government of Nova Scotia devolved, as before, on Dr. Croke.

10 August. T. N. Jeffery, the collector of customs, was sworn in as a member of H. M. council.

In the middle of August, Sir George Prevost received complimentary addresses on his approaching departure, from H.M. council,—from the bishop, on behalf of himself and the clergy,—from the principal inhabitants of Hants county, and from those of King's county. On the 14 August he dissolved the assembly by proclamation. The new writs were dated 17th August, and made returnable 10 October. On Sunday, the 25 August, Sir George Prevost sailed for Quebec, in H. M. S. *Melampus*; and next day, Monday, 26th, Dr. Croke was sworn in as administrator of the government. Dr. Croke, writing to the minister, 30 August, informs him that the government schooner *Hunter*, which was hired from Mr. Belcher, “has” “been seized upon her return from the United States by” “the collector of the customs in this port, and has been con-” “demned for importing tea and other articles contrary to” “law. After condemnation, she was re-purchased by Mr.” “Belcher, the former owner, and is again in the employ of” “government.” He proposes for the minister's consideration “how far it may be proper that a person who has thus been” “convicted of violating the navigation laws, should be con-” “tinued a member of H. M. council.” As the judgment must have been passed by him as judge of admiralty, he should not have omitted to say so; neither did it follow that Mr. Belcher was personally involved in the violation of the law, although

he lost the price of his vessel, and the government hire of her for 18 days. This letter breathes a spirit of personal ill will ; and looking at the judge's previous administration, it was probably fortunate for the province that his authority now was very short lived.

On 16 October, general Sir John Coape Sherbrooke, K. B., arrived with his lady and family at Halifax, after 37 days passage from Portsmouth, in H. M. S. *Manilla*. At 10, A. M., lady Sherbrooke and her sister landed, and went to government house. His excellency landed at 11, at the king's slip, and was sworn in at the council chamber. The usual salutes, guards of honor and escort, were used on the occasion. Major general Hunter, by Sir J. C. Sherbrooke's directions, returned to his former post in New Brunswick. Sir John recommends to the minister a grant of 2000 acres crown land to lieutenant colonel Colin Campbell, acting inspecting field officer of militia for the Eastern part of the province. At this time, government and all other bills drawn on England could not be disposed of at less than 15 to 20 per cent. discount. Sir John states the loss this was to the officers of the provincial government, who were paid from the parliamentary estimate. The loss must have pressed equally on officers of navy and army stationed here.

On tuesday, 19 November, the hon. Andrew Belcher, his lady and family, sailed for England, in H. M. S. *Melampus*.—In an English newspaper, received here, there was an extract from the London gazette, notifying the appointment of Michael Wallace as secretary to the lieutenant governor of Nova Scotia. This lieutenant governor Sherbrooke objects to, as the previous governor had twice appointed his own military secretary to this office, and he understood, before he left England, that the nomination was vested in himself, and that his military secretary, captain Addison, of the 1st Dragoon guards, had given up the place of major of brigade, on express promise of holding this post, and he had actually appointed him before he heard of the gazette notice. He also considered it a private and confidential employment, and that it should not be held by the treasurer of the province, who was also a member of H. M. council.



A very severe gale occurred on the last day of September, doing much damage to vessels. This year is distinguished for the appearance of a very remarkable comet, of great apparent magnitude, exceeding in that respect any recorded since that of 1680. [I find an error in my last No., which I beg the reader to correct. Page 158, 3d vol., 1st line of chapter XIII, for '1797, captain Cochrane, afterwards the celebrated lord,' read 'captain Cochrane, uncle of the celebrated lord,' &c.]

During the war on the Spanish peninsula, when news arrived of one of lord Wellington's victories, the merchants of Halifax usually procured a military band, who, mounted on the flat roof of the market house, played marches and loyal tunes during the evening. Across the square, the merchants assembled in their reading room, (now occupied as city offices,) up stairs, and drank toasts in honor of the victory. Meanwhile, the people all illuminated their dwellings, and the young and cheerful visited from house to house, where all comers were welcomed, or sauntered about to view the effect of the illumination.

It was in this year, 1811, that Alexander Morrison, the *only bookseller* in Halifax, resigned business in favor of his successor, George Eaton. (He died early in 1814, aged 67.) His shop was at the corner of Granville and Duke streets, facing Romans' corner North, and having Dechezeau's (now Crowe's) East of it.

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## APPENDIX TO CHAPTER XXV.

(1.)

Just Published,

*Price 6s., in bds.*

And for sale at Mr. ALEXANDER ISAT'S,  
POPERY AGAIN CONDEMNED, by Scripture and the Fathers ; being a Reply  
to the Remarks upon Popery Condemned, &c.

By THOMAS M'CULLOCH,  
Pictou.

*In hoc est hoax, cum quiz et joksez,  
Et smokem, roastem, toastem folksez ;*

*Fee fau fum- -*  
PSALMANAZAR.

Nov. 16, (1810.)

Married, 2 October, 1810, captain H. D. Byng, R. N., to Maria Jane, daughter of the late hon. J. B. Clarke, M. C., of Cape Breton. Married, 4 October, 1810, lieutenant H. S. Blanckley, 23d regt., to Elizabeth, daughter of James Foreman, esquire. Both couples were married by the bishop, and Sir G. and lady Prevost attended their nuptials.

Married, on Saturday evening, by the rev'd. Dr. Stanser, Mr. William Black, to miss Mary Anne Etter, second daughter of Mr. Benjamin Etter. [*Gazette, wednesday, January 2d, 1811.*] This was the hon. W. A. Black, (son of the rev. W. Black, founder of the methodist churches in Nova Scotia), one of the most upright and kind-hearted of men, now gone to his reward.

Married, the 26 March, 1811, at St. Paul's church, by the Right Reverend and Honorable the Bishop of Nova Scotia, major Lloyd, commanding H. M. 98th Regt., to miss Ann Monk, second daughter of Judge Monk. His Excellency Sir George Prevost gave the lady away.

*From Halifax Gazette, March 13, 1811.*

Died, at Liverpool, lately, the rev'd. Israel Sheevers, aged 85 years, formerly pastor of the Presbyterian church there.

*From Gazette, May 1, 1811, wednesday.*

Died, on Thursday morning last, in the 52d year of her age, Mrs. Catharina Newton, wife of John Newton, esq'r., of this town. She was a woman of exemplary piety, and possessed of every domestic virtue.

—, on Saturday afternoon last, in the 62d year of his age, Mr. C. S. Powell, first manager of the two Theatres in Boston, and formerly of the Theatre in this town.

*Gazette, May 15, 1811.*

Died, at Cornwallis, 30th ult., in the 56th year of his age, Lemuel Morton, esq., member of the House of Assembly, and major of 6th Batt. Militia. His funeral was attended by a detachment of the said Battalion, under the command of capt. Gisner.

—, At Shelburne, the 1st inst., William Snyder, esquire, aged 30 years—the worthy Sheriff of that county.

Died, 22 August, 1811, John Newton, esq'r., in the 85th year of his age.

“ 8 Sept'r., 1811, Moses Delesdernier, esq'r., in the 95th year of his age.

“ 20 Sept'r., 1811, Rev. George Gilmore, A. M., in his 88th year, an American loyalist, and who came to Horton, N. S., in 1788, where he died.

Died suddenly, at Fredericton, 2 Dec'r., 1811, in the 53d year of his age, major general William Balfour. He administered the government of that province for a short time previous.

(2.)

*Secretary's Office, 3d Sept'r., 1811.*

GENTLEMEN,

I am commanded by his honor the President, to desire that the accompanying letter from my lord Liverpool, may be inserted in the Halifax Gazette.

I have the honor to be,

Gentlemen,

Your obedient servant,

S. H. GEORGE.

*His Majesty's Printers.*

CIRCULAR.

(COPY.)

Downing Street, 22d June, 1811.

SIR,

It has been represented by the Society for the Propagation of the Gospel in Foreign Parts, that it would tend to remove the difficulty experienced in procuring proper persons to act as Missionaries, and serve as an encouragement to their zeal and perseverance in the discharge of this important trust, if the prospect of a future provision for life were held out to such as might be desirous of returning to this country after a certain period.—His Royal Highness the Prince Regent has, in consequence, commanded me to inform you that a grant of £100 per annum will be proposed in the annual estimate for every future Missionary sent from this country, who, upon removing from the colony under your government, shall produce to the Society for the propagation of the Gospel, a Certificate from the Governor for the time being, of his having resided within the colony, and faithfully discharged the duties of his Station during the term of ten years.

I have the honor to be, &amp;c. &amp;c.,

(Signed)

LIVERPOOL.

To Lieutenant General Sir GEORGE PREVOST, }  
 Bart., &c. &c. &c., Nova Scotia. }

(3.)

*Extract of a Letter from Windsor, Sept'r. 20.*

“Our attention has been some time attracted by a Comet, which appears very conspicuously every evening in the North West. It was first discovered a little after sunset on Wednesday, the 4th inst. Its declination was then about  $40^{\circ}$  North, and its right ascension  $137^{\circ}$ . On the evening of the 10th, it was upon the eastern edge of the joint in the preceding hind leg of the Great Bear, and having passed very near three stars of the sixth magnitude in the same constellation, it is now to be seen near the *eastern* extremity of the subsequent buttock.—Declination  $45^{\circ} 40''$  North; right ascension,  $173^{\circ} 30''$ —which gives its change of place nearly one degree in 24 hours in a *north easterly direction*, and that will bring it in about three weeks more to be near the star of the second magnitude in the extremity of the Great Bear's tail.”

(4.)

### Hackney Coaches.

Under the patronage of His Excellency Sir GEORGE PREVOST, Lieut. Governor and Commander in Chief.

W. MADDEN begs leave to acquaint the Ladies and Gentlemen of Halifax, that he has fitted up Three Carriages, which he will send to the Stand for their accommodation, on Monday next, 21st instant, on the following reasonable Rates : To any part of the Town, for *one* person, 2s. 6d.—for *two*, 3s. 6d.—for *three*, 5s. 6d.—for *four*, 6s. 3d.—for *five*, 7s. 6d.—for *six*, 8s. 9d. When kept in waiting longer than one Quarter of an hour, to pay at the rate of 5s. 6d. per hour. When taken out of Town, for *one* or *two* persons, 2s. 6d. per mile—for *five* or *six*, 3s. 9d. per mile. The Carriages to be found on the Stand fronting the Custom House, or

in bad weather at the Stables of the Proprietor. All jobs about town after Dark to pay one third more fare. Close and open Sleys, Gigs and Saddle Horses, to Let as usual.

January 16, 1811.

( 5. )

*From Gazette, Halifax, wednesday, 20 Feb'y., 1811.*

Saturday, Schr. Providence, Ayres, Boston, 5 days.

By the schooner Providence, we were favored with Boston papers to the 11th inst. They contain accounts from London to the 28th December. By those it appears that our venerable Sovereign had been declared incapable to execute the Government. That a Regency was to take place as soon as a bill to regulate it had passed both Houses. It was supposed that these arrangements would be completed, and His Royal Highness the *Prince of Wales* assume the Reins of Government by the 10th of January.

( 6. )

ST. PATRICK—17th MARCH, 1811.

The Members of the Irish Society celebrated the anniversary of their Tutelar Saint, on Monday last, by dining, with a large number of Guests, at the Masonic Hall, where a rich Dinner was prepared. His Excellency the Lieutenant Governor, and Major General Balfour, with their respective Suites, Commissioner Inglefield, the Hon. the Judge of the Vice Admiralty Court, the Commissary General, the Captains of the Navy, Staff of the Garrison, &c., were among the Guests. The Company sat down to Dinner at half-past five—the Hon. Charles Morris, President, and S. H. George, esq'r., sat as Vice President. After the Cloth was removed, upwards of forty toasts were given, mostly bumpers—among which were—"The memory of the Pious St. Patrick"—"Our venerable King—may the Prayers of his loyal People be heard"—"The Prince of Wales and the British Constitution"—"The Duke of Clarence, and the Navy"—"The Duke of Kent, and the Knights of St. Patrick"—"The Queen, and the rest of the Royal family"—"The Land we live in—may it long be governed by its present Benefactor, and may health and happiness ever attend him."

His Excellency rose—thanked the Company for the honor done him—considered the prosperity of the Province, next to the industry of its inhabitants, as the effect of the wise and beneficent instructions of his Sovereign, which it was his happy lot to execute—And after representing, in glowing colours, the noble exertions of the British Army in Spain and Portugal, and the heroic virtues of its Commander in Chief, gave, as a Toast, "Lord Wellington," which was drank with three times three, and the most enthusiastic applause.

After which, "The General and the Garrison"—"Admiral Sawyer, and the Squadron under his command," &c. &c., were given.

His Excellency and most of the Principal Guests retired at nine o'clock—the rest of the company sat till a very late hour. The evening was spent in the usual harmony and good fellowship.



(7.)

*From Gazette of Wednesday, May 8, 1811.*

On Monday last, the scholars of the Halifax Grammar School were publicly examined, agreeably to a law of the Province. His Excellency Sir Geo. Prevost was pleased to attend the examination, and granted four premiums in appropriate Books, to be adjudged by the Trustees of the School, to the most meritorious Scholars. The first Premium was given to Master Edward Monk, of the 1st Latin Class—the second to Master Lewis M. Wilkins, of the 2d Latin Class—the third to Master James Bailey, as the best Speaker, and the fourth Premium was given to Master Edward Fairbanks.

## CHAPTER XXVI.

1812. The three most remarkable events of this year were the declaration of war by the United States against Great Britain,—the invasion of Russia by the emperor Napoleon, and the assassination of Mr. Perceval, the English prime minister, by Mr. Bellingham. The first necessarily affected this province.

13 January. Sir J. C. Sherbrooke wrote respecting the coal mines of Nova Scotia, to Robert Peel, esquire, ‘requesting to’ ‘be informed of the proper channel through which to make’ ‘an application for the working of coal mines, as several’ ‘requests for that purpose have been made to me. I am led’ ‘to suppose they were some time since granted exclusively to’ ‘the duke of York, but am ignorant whether a communication’ ‘should be made to H. R. H. in the first instance, or to the’ ‘secretary of state, and shall not proceed until I am honored’ ‘with your opinion.’

Dr. Croke wrote to lord Liverpool, claiming half the salary of governor, besides all the fees for the period between Sir G. Prevost’s quitting the province and the arrival of Sir John C. Sherbrooke, (25 August to 16 October, 1811), 7 weeks. Sir John opposes this claim—says he understands Dr. Croke’s former claim of a similar kind was rejected; that he arrived here in 7 weeks from the date of his appointment, and had received no allowance for equipment; and that Dr. Croke’s share, as commander-in-chief, of the proceeds of a seizure of flour, made in this his last short administration, will exceed £500.

S. H. George, esq'r., the secretary of the province, obtained from the lieutenant governor six months leave of absence, on urgent private affairs, and sailed for Greenock 18 January. Before he left, Mr. H. H. Cogswell was appointed deputy secretary.

Orders to send the 98th regiment from this province to Bermuda had been received, but Sir John sent only two companies, not considering it safe to send them all away; and he requested reinforcements, if war with the United States were deemed probable. He thought New Brunswick the most vulnerable, and likely to be first attacked. Citadel hill, fort Cumberland, and other works, were so much in want of repair, as to be untenable. On these, the commanding engineer, captain Gustavus Nicolls, had made a detailed report to the board of Ordnance. Orders had, however, been given to repair the works at Halifax.

William Thompson, esquire, clerk of the crown and prothonotary, got six months leave of absence from Sir Geo. Prevost, in order to accompany his excellency to Quebec. He got a further six months leave from Sir J. C. Sherbrooke. He left the duty in charge of James Walton Nutting, Esq., who acted many years, and finally was made the principal in the office he still holds, with the esteem and affection of the bar.

The tenth general assembly of the province met in its first session on thursday, the 6 February, 1812. The members returned were :

County of Halifax : Edw'd. Mortimer, Samuel G. W. Archibald, \*Simon Bradstreet Robie, \*William Lawson.

County Annapolis : Thomas Ritchie, \*Peleg Wiswall.

County Lunenburg : \*Lewis Morris Wilkins, Francis Joseph Rudolf.

County Cumberland : Thomas Roach, \*Henry Purdy.

County King's : \*Jonathan Crane, John Wells.

County Queen's : \*Snow Parker, George Collins.

County Hants : \*William H. Otis Haliburton, \*Shubael Dimock.

County Shelburne : Jacob Van Buskirk, James Lent.

County Sydney : \*John Ballaine, \*John George Marshall.

Town of Halifax : \*John George Pyke, \*John Pryor.

Town of Truro : \*James Kent.

Onslow : \*Nathaniel Marsters.

Londonderry : \*James Flemming.

Annapolis : John Harris.

Granville : Isaiah Shaw.

Digby : \*John Warwick.

Lunenburg : John Creighton.

Amherst : \*Edward Baker.

Horton : Samuel Bishop.

Cornwallis : \*William A. Chipman.

Liverpool : Joseph Freeman.

Windsor : \*Loran Dewolf.

Falmouth : \*John Manning.

Newport : \*John Allison.

Shelburne : Colin Campbell.

Barrington : \*John Sargeant.

Yarmouth : Samuel Marshall.

The members marked with a \*, were in attendance, and were sworn in by the attorney and solicitor generals, under a commission from the lieutenant governor.

On the choice of a speaker, messrs. Robie and Wilkins were both proposed, and Mr. Wilkins was elected. Lieut. governor Sherbrooke, having approved the speaker elect, made his opening speech. He referred to the prosperous state of the province—commended the attention which had been paid to roads and to the militia by the legislature, adverted to the hopeless condition of the king, and informed them that last year's expenditure had exceeded the receipts of the revenue. 7 Feb'y. Thomas Ritchie, member for Annapolis county, and John Wells, for King's, were sworn in. 10 Feb'y. An account of arms and accoutrements purchased for, and issued to the militia, from May, 1808, to July, 1811, amounted to £14,921 14s. 7½d. Messrs. Rudolf and Creighton were sworn in members.

The reader will remember that Sir G. Prevost had suggested that the suspension of the crown's demand for quit rents should be only granted on condition that the assembly made



a provision for support of the established clergy. The minister, acting on this hint, instructed the lieutenant governor, who accordingly, by message, informed the house of assembly that the crown would grant the suspension requested by their address, on their making a suitable annual allowance for support of the clergy of the establishment in the province.

Thomas Robie died about this time at Salem, Massachusetts, aged 82. He left Boston as a loyalist early in the revolutionary war, and settled in Halifax as a merchant. His son, S. B. Robie, studied law with his uncle, J. Sterns, solicitor general. The assembly, 10 February, excused his attendance, in consequence of the death of his father.

12 Feb'y. A petition of Jared Ingersoll Chipman and David Borden was presented, complaining against the sitting members for King's county, Jonathan Crane and John Wells, and claiming the two seats for themselves. They asserted that Crane and Wells united in the contest, and charged Crane with manufacturing votes by giving deeds of his own and other people's lands to persons, fraudulently to qualify them to vote; and stated that if these and other votes, ascertained on the scrutiny to be bad, were struck off, they, the petitioners, would have a majority.

*From the Halifax Gazette of 1811.*

"On thursday, the 12th of September, a Poll was opened at the Presbyterian meeting house in Cornwallis, for the election of one member for the said township, to serve in the General Assembly of the Province. The Poll was opened at 11 o'clock, A. M. *Candidates*, William A. Chipman, esquire, and doctor William Baxter. At 12 o'clock the same day, doctor Baxter declined standing the Poll, and William A. Chipman, esquire, was declared duly elected.

"On Wednesday, the 25th September, a Poll for the election of two members for King's county, and one member for the township of Horton, to serve in the General Assembly of the Province, was opened at the County Court House. *Candidates*—for the county: Jonathan Crane, John Wells, and Jared I. Chipman, esquires, and Mr. David Borden; for the

township of Horton, Samuel Bishop, esquire, *solus*. The Poll was opened at 11 o'clock, A. M., and at 1 o'clock the same day Samuel Bishop, esquire, was declared duly elected for the township of Horton. On the adjournment the first day, the Poll for the county stood thus :—

	Crane.	Wells.	Chipman.	Borden.
First day,	145	138	189	187
Second day,	238	240	259	262
Third day,	257	262	298	297

The Poll stood adjourned until Saturday, at 10 o'clock, and is expected to be removed to Parrsborough."

The Poll was accordingly held at Parrsborough on the 7th and 8th October, 1811. At the close, Crane had 342 votes; Wells, 339; Chipman, 309; Borden, 306; so Crane and Wells were declared elected. A scrutiny was held by the sheriff. A select committee was appointed on the 13th, according to a precedent of 25 March, 1793. This was done by ballot, and five members named. The petitioners then named one member, and the sitting members another, and the seven were directed to consider and proceed upon the petition.—Samuel Marshall, member for Yarmouth, was sworn in. A petition of Archibald Smith, against the return of Mr. Allison, for Newport, was received. It chiefly complained of the sheriff closing the poll on a day of a tremendous storm, when voters could not reach the polling place, bridges being carried away, &c. 14 Feb'y. Messrs. Mortimer and Archibald were sworn in. Terence Cochran petitioned for relief, charging the sheriff with using undue influence against him. Mr. C. had been a candidate at the Hants county election.—Thomas Pearson petitioned against Mr. Kent, claiming the seat for Truro, on the ground of bad votes given for the sitting member. A scrutiny had taken place. 17 Feb'y. Rev. George Wright, the master of the Halifax grammar school, petitioned for £450, being the three years' salaries of the master and the usher for 1808, 1809 and 1810, unpaid. This petition was dismissed 5 March—division 20 to 13.—Messrs. Roach and Shaw, members, were sworn in. 18. Archibald Smith's petition against

the return of Mr. Allison, for Newport, was considered—counsel, witnesses, the sheriff and sitting member heard, and the petition was dismissed.

Thursday, 19 February, was a public fast, under the lieutenant governor's proclamation. 24 Feb'y. Counsel and witnesses on both sides were heard on the Truro election petition by the house. The province account to 31 Dec'r., 1811, shews a revenue of £27,000, of which £14,023 6s. 1½d. had been previously appropriated, and was undrawn, which left but £12,976 13s. 10½d. to appropriate. On 22d, 24th and 27th February, the house considered objected votes at the Truro election, deciding on their validity, and sometimes dividing on it; and on the 3 March, Pearson's petition was dismissed. 25 Feb'y. The house dismissed the petition of T. Cochran, as far as respects the sitting members for Hants county, but censured William Smith, the sheriff, for a letter he had written to an individual, 'having a tendency to affect said election,' 22 voting for the censure and 11 against it. March 2, monday. The house, by a committee, requested his excellency to direct an account of the Quit rents,—the amount thereof now payable annually,—amount received by way of fine or otherwise by the present receiver general, and an account of the fees taken on the passing of grants of land, to be laid before the house. On the committee waiting on Sir John, he said he would direct the proper officers to lay before the house the information they had required, by 12 o'clock to-morrow. 4 March. By report of receiver general of Quit rents, Crofton Uniacke, it appeared that from 3 January, 1809, to the time of his report, 4 March, 1812, 256,281 acres of land had been granted in this province,—that the annual quit rents reserved on this quantity was £256 5s. 7½d. The sums received by him being 5s. on every 50 acres above 200 to each grantee, amounted, since his appointment, to £643 6s. 8½d., from which is to be deducted about £83 7s. 7½d., to be returned to several grantees by order of Sir George Prevost, leaving a balance now in his hands of £559 19s. 1d. Had no records to account for previous grants. From the report of H. H. Cogswell, esq., the deputy secretary, we find that from Sept'r. 22, 1750, to

March 3, 1812, the number of crown grants issued in the province was 1806, conveying 5,991,961 acres. Above 20 of these grants, comprizing about 1,600,000 acres, had been escheated. He estimates the Quit rents at £4,391 19s. 11d. sterling per annum on the grants (1786) not escheated ; but as many grantees are absent, and much of the granted land wilderness, the enforcement of arrears would lead to abandonment of much land to the crown. He estimates the arrears of Quit rent that might be collected (on lands worth the owners retaining) in that case at £40,000, and the annual Quit rent on them at £3500 sterling. Charles Morris, surveyor gen'l., confirms the calculation as to the value of arrears and yearly quit rent. 16 March. The select committee on the King's county election reported. They declare 50 votes to have been bad, after deducting which the numbers stand : Crane, 316 ; Wells, 312 ; Chipman, 285 ; Borden, 285. They reported specially on 10 other votes, contested as to title ; and on 13 more, on the validity of which they had no grounds to judge by.

Mr. Lawson, a member, having spoken words derogatory to the speaker and the house to two other members, was censured by the house, and apologised. 20 March. George Collins, member for Queen's, was sworn in. 19, 20 and 21 March, the house heard counsel and evidence on the contested election for King's,—on the 21st, resolved to the effect that the sitting members had a majority of good votes—that no evidence existed of corrupt practices, and no sufficient proof 'of any' 'deeds having been made for the purpose of qualifying persons to vote at the said election,' and dismissed the petition of messrs. Chipman and Borden, by a division 27 to 3. 25 March. It appears that a light house had been built on Coffin's island, at the entrance of the harbor of Liverpool, at a cost of £535 5s. 6d. Saturday, 28 March. Vote of house concurred in by council disposing of £9400 for civil establishment and miscellaneous services ; £2400 for Province house ; £750 repairs on government house, and £2150 for grammar and English schools. 1 April, wednesday. The house resolved to address his excellency to the effect, that 'as the inhabitants of this' 'colony are composed of persons professing various religious'



‘sentiments, all of whom, since the first settlement of this’  
‘province, have been exempt from yielding any support to’  
‘the church of England, except such as profess to be mem-’  
‘bers of that church; the house of assembly, anxiously desi-’  
‘rous of preserving harmony among all denominations of’  
‘Christians, cannot agree to make provision for the clergy of’  
‘the church of England out of the public treasury, or in any’  
‘way raise money by taxes on other classes of Christians for’  
‘the support of that church.’ In the address they state that the collection of the Quit rents would create uneasiness, and in very many cases distress, as the persons who settle the wilderness lands of this province are generally poor and indigent people.

The speaker’s salary was £200 a year. The sums due the members for pay, at 10s. a day, amounted to £1129 10s. On the 10 April the assembly was prorogued.

It was at this time the custom for the admiral to leave Halifax in the latter end of November or in the beginning of December, and, with the whole of the squadron, to proceed to the Bermudas, where he usually remained until the beginning of June, in the ensuing year. This was the case in the winter of 1811–1812. The *Æolus* only (of 32 guns) remained to complete her repairs. She was relieved by the *Tartarus*, of about 20 guns; and the *Atalanta*, 18, sloop of war, succeeded her. Sir John Sherbrooke represented to the minister the danger if an American squadron should make a hostile visit to this port while our squadron was at Bermuda. He tells him that 2000 fishing schooners are employed belonging to the coast from Cape Cod to Newburyport, and thinks their crews would readily volunteer on such an expedition. These men are rivals to our people in the fisheries, and in case of war would probably carry on a predatory hostility, unless our shores had a force for protection. The preparations for war in the United States were now beginning. In Canada, the Glengary regiment of 700 or 800 men was raised, and other corps were in progress. In the United States, recruiting was actively proceeding. At this time, French war vessels were capturing and destroying American ships, a gentle stimulus administered

by Bonaparte to induce the United States to declare war against England. Monday, 22 June. Information that a resolution to declare war had passed in the house of representatives, and would probably pass the senate, was received by admiral Sawyer in a letter from the English ambassador, Mr. Foster, and communicated to Sir John Sherbrooke. Mr. Foster's letter was dated 15 June, and brought in H. M. S. *Tartarus*.

On the 18 June, an act of congress passed finally by the approval of the president, James Madison, enacting and declaring war against Great Britain. On the 23rd, three large frigates, and two smaller vessels, of the American navy, met H. M. S. *Belvidera*, 36, captain Richard Byron, about 80 miles S. W. by W. of Nantucket. The President and the Constitution successively attacked the *Belvidera*, with single shots and broadsides. Their attacks and the defence continued several hours. At length, the wind favoring, the *Belvidera* got off, from the unequal and unexpected encounter. Captain Byron was wounded, two seamen were killed, four severely and eighteen slightly wounded in the English ship. Her rigging and spars were much injured. The *Belvidera* got into Halifax harbor on the afternoon of saturday, the 27th. On sunday night, the 28th, a messenger, with despatches from general Hunter, who commanded in New Brunswick, with intelligence of the declaration of war, arrived at a late hour at Halifax. His excellency held a council at 10, A. M., on monday, and the intelligence was then made public. The lieutenant governor ordered the first class of the militia (able-bodied men from 18 to 50) to be ballotted from, for service, and a proportion in each district to be at once embodied, to protect the most exposed parts of the coast, as he could not spare regulars for the purpose. He also directed a few guns to be mounted at the entrance of some of the most exposed harbors, to be used against the depredations of privateers; and where there were suitable boats to carry cannonades, he sent them. As the people of Eastport and Moose island desired to keep up amicable terms, he and the admiral acquiesced in that plan, and on the 3d July his excellency issued a proclamation, forbidding

any persons under his command from offering molestation to the American people living on the frontier of New Brunswick, or interfering with their goods or their coasting vessels. This war was said to be very unpopular in the Eastern states, and Sir John says he was informed, on reliable evidence, that when the declaration of war reached Boston, all the vessels in the harbor immediately hoisted their colors half mast high, three excepted. The populace compelled the three vessels to follow the general example. He asks the minister for a considerable reinforcement of troops, and desired a remittance of specie, great difficulty being experienced in obtaining it here at a discount of ten per cent., and greater in Canada, by Sir George Prevost. Vice admiral Sawyer also urged the necessity of an increased naval force on this station. Circular letters were sent to the *custodes rotulorum* (chief J. P. P.) of each county, to report aliens residing or arriving in the province without permission.

The assembly met tuesday, 21 July, (10th assembly, 2d session.) They were convened on account of the war, and his excellency requested them, in his opening speech, to make provision for the extra pay allowed by the provincial statute to the militia. (Act 1808, sec. 56. directed the militia, when embodied, to have same pay and allowances and the same rations as regulars. Sec. 57 fixed the pay of serjeant, per day, at 2s.; corporal, trumpeter, drummer or fifer, 1s. 6d.; private man, 1s.) He also called for provision to be made for such other expences as the security of the province demanded. (James Lent, member for Shelburne county, was sworn in.) 22 July. Account of arms and accoutrements delivered to the militia from 22 April to 17 July, 1812, £3011 2s. 2½d. 25. The house voted £8000 for block-houses, temporary work, arming boats, telegraph, &c; £12,000 for extra pay to militia, now to be embodied; £10,000 for a further force embodied, if found necessary; 7s. 6d. a day each to clerks of paymaster and adjutant general of militia; £150 for carriage of arms; £40 stationery and printing, and £120 for medical attendance on embodied militia. They also resolved to borrow £30,000, at 6 per cent., for defences. 27th. The council agreed to these

resolutions. The council having proposed an amendment to the appropriation bill, the house took offence, and sent up, 13 August, a message, treating it as an insult. Next day the council agreed to the original, but sent down a message, claiming the right to amend, and stating that they were only induced to give way now from the situation of the province. The house asserted their view promptly, by resolving unanimously that they 'can never admit it to be the right of H. M.' 'council to amend a money bill.' Same day, 14 August, the lieutenant governor, having thanked the assembly for their liberal supplies, prorogued them. An act was passed to issue treasury notes for £12,000, to bear interest from date of issuing. They were of various denominations—£50—£20—£12 10s.—£5—£2 10s., and £1. An act also, imposing  
6d. per gallon additional on all wine,  
4d. per gallon additional on rum,  
6d. per gallon additional on other spirits,  
and authorizing a loan of £20,000 to be taken up, and an appropriation act.

While this short session was being held, the English and American vessels of war in the North Atlantic were busy in the capture of merchant ships, and many privateers from the Eastern states were at work on the coasts. One privateer from Salem took eleven prizes in three weeks. Commodore Rodgers, the same officer who attacked the *Lille Belt* in the previous year, was supposed to have carried his squadron in pursuit of a Jamaica fleet of 100 vessels, which had sailed under convoy of an English frigate and two sloops of war. The *Belvidera*, after her escape from the five American men-of-war, had, on her way to Halifax, captured three American vessels. On the 7 July, the American prize brig *Minerva* arrived at Halifax, and on the 21st a number of prize vessels got in. On the 11 July, the U. S. frigate *Essex* captured a transport, with 145 English soldiers on board. 21 July, the lieutenant governor prohibited the sailing of merchant vessels from Nova Scotia, until convoys could be provided. The American privateers were active, and took several small craft. Prize goods were advertized for sale in the Halifax papers.



On the 2 August, sunday, H. M. brig *Emulous*, 18, being on a cruise along with the *Colibri*, 18, was wrecked on the Ragged islands. 31 July, friday, it was reported at Digby that a privateer was at anchor between Broad cove and Rodgers' point. On this, a party of the militia went to the place, and firing upwards of 50 shot into her, and receiving some in return, drove her off. On sunday, the 2d August, they were again alarmed. The militia went down to the bay again, and made two prisoners, one of whom was the captain of the privateer, and the other one of his prize masters. The privateer was from Newburyport, mounted 6 guns, and had 30 men. A serjeant and four men escorted the prisoners to Annapolis. It appeared afterwards that one man had been killed by the fire of the militia.

Meanwhile, the lieutenant governor had sent one half the arms that remained in the ordnance stores to Sir G. Prevost, for the defence of Canada, and wrote, 7 August, to the minister, earl Bathurst, for a supply. He also pressed for a reinforcement of troops, having many prisoners now to guard. He had taken steps to have embodied one-fifth of the militia of the 1st class, that is, 1-5 of the men from 18 to 50 years. Much specie, (dollars), taken in prizes, were in keeping of the court of vice admiralty, but Dr. Croke, the judge, refused them to Sir John, who offered him bills at the current rate of exchange.

A proposal was made to his excellency to grant licences to vessels carrying British manufactured goods from Nova Scotia to the United States. They were in great demand there, and would be carried in against the American laws. He asked permission of the minister to do this. They were to be thus protected from interference or capture by English cruisers. This became an extensive trade during the war.

Early in August, bishop Inglis was ill, and not expected to survive. Sir John Sherbrooke wrote to the minister, that, in his opinion, there was no clergyman residing in the province qualified to succeed him, and that an English clergyman should be appointed. If, however, the minister decided on naming a

resident, he recommended Dr. Stanser, whom he praises highly.

On 23 August, H. M. S. Statira arrived at Liverpool, N. S., with 130 American prisoners. She had taken three privateers, off the coast, near Shelburne.

In September, bad news was received at Halifax, of the capture of the English frigate *Guerriere*, 38, captain James R. Dacres, by the American frigate *Constitution*, commanded by Isaac Hull, on the 20 August. The U. S. vessel carried fifty-five guns, and had 450 men. The *Guerriere* carried 49 guns, and her crew were about 300, perhaps less, and was said to be 600 tons less in burthen than her captor. The engagement lasted an hour and a half. The *Guerriere* was dismayed before she surrendered. After all the people left her next day, she got on fire and blew up. The English loss in the action was 13 killed and 64 wounded; the American vessel lost 7 killed, and had 7 wounded. At the same time good news was received. Brigadier general Hull, who had invaded Upper Canada with 2500 men, surrendered Fort Detroit, and his army became prisoners to major general Brock, on the 16 August, without any fight. Twenty-five cannon were given up. This was effected by a British force of 1100 men, (of whom 700 were regulars and militia, and 400 Indians.) In September, admiral Sir John Borlase Warren arrived with several ships to reinforce the squadron on this station. The captures of merchant vessels on both sides were now very numerous.

The Federal party, who were dominant in Massachusetts at this period, were openly adverse to the war; and the injuries done to commerce by the embargo, non-intercourse, and final war measures of the democratic government at Washington, were much resented in that state. The governor, Strong, refused to place any part of the state militia under the orders of the officers of the general government. The president, Madison, then availed himself of an act of congress, passed in February previous, which authorized him to accept the services of 80,000 volunteers from the different states; and general King, of Bath, (Kennebec), a violent democrat, was sent to

Eastport to make arrangements for raising three regiments of volunteers, in the district of Maine. Conventions and meetings were held, and spirited resolutions passed in opposition to the general government. Peace was this season agreed on between England and the Northern powers, Russia and Sweden. Sir John Sherbrooke remitted 56,000 dollars specie to Sir George Prevost, at the end of September. Six English subjects had been taken in the U. S. vessel *Nautilus*; and commodore Rodgers, who had returned with his squadron to Boston after 70 days cruising, detained 12 British subjects as hostages, for their safety. Cartel vessels frequently came and went between Halifax and Boston, exchanging prisoners.— 5 October. Admiral Warren, by a proclamation, offered to obtain the prince regent's free pardon to all British sailors who had deserted or otherwise joined the U. S. navy, if they would return to duty without delay.

The lieutenant governor caused fort Cumberland to be repaired. Several men of the unembodied militia volunteered to assist for a few days. As they came from a considerable distance, and would not be able to purchase provisions there, rations were allowed them. The province was supplied with flour and other articles of food by importation from the United States, under licences issued jointly by the lieutenant governor and the admiral, thus protecting them from the British ships of war. They were obliged to sail under a neutral flag, and to leave Halifax in ballast for St. Bartholomew, as they were not at liberty to carry fish and lumber to the West Indies. Provisions thus obtained, not only helped to support the army, navy and people, but much was re-exported to the British West Indies, and to Spain and Portugal, where the English forces remained. Presents to the Indians were suggested to lord Bathurst, who agreed to allow £200 a year to be laid out in that way; and the governor added to his former plan, that half the amount should be given them in fire arms, to shoot game, &c., and that he should be permitted besides to give them powder. He occasionally gave them blankets that had been condemned in the barrack department. He also, (the 7 October), anticipating the necessity of calling out and em-

bodily an additional force of militia, requested a large supply of 'camp equipage, and other articles of field equipment, for' 'the service of these troops,' might be sent out by the earliest opportunity. 20 Oct'r. Sir John, referring to a former letter of his predecessor, Sir George Prevost, says the councillors are able and willing to cultivate and improve the lands they applied for, and recommends that each should have 4000 acres. At this period of the war the English ships of war did not molest the unarmed coasting and fishing vessels of the Americans. The American privateers were not of the same mind. Our coasters, fishermen and colliers were captured, pillaged, and sometimes used cruelly. On 8 October, a boat's crew from an American privateer landed on Sheep island, at the mouth of Tusket river, inhabited by a poor man named Francis Clements, and his family. Without provocation they shot the man dead—ransacked the house—carried off stock, and went away. This privateer was shortly after captured by the *Shannon*, and the homicide was identified among the prisoners as the first lieutenant of the privateer. Clements left a widow and nine orphan children, the oldest only 17, and the second daughter a helpless cripple.

The Americans, under colonel Van Rensselaer, attacked the British on Queenstown heights, 13th October, but were ultimately forced to surrender. Sixty Americans were killed and seven hundred made prisoners, including near a hundred wounded. Major general Sir Isaac Brock, K. B., was killed. The 49th regiment (600) was under his command, being part of the British force. 17 October, the U. S. sloop of war 'Wasp' captured H. M. brig 'Frolic,' of 22 guns. The combat lasted 43 minutes. On board the *Frolic* 30 were killed and 50 wounded, while the *Wasp's* loss was 5 killed and 5 wounded. On the same day, the *Poictiers*, 74, capt. Sir J. P. Beresford, captured both the *Wasp* and the *Frolic*. 25 Oct'r. The U. S. frigate *United States*, commander Decatur, captured the British frigate *Macedonian*, off the Western isles. The English vessel lost 36 killed and 68 wounded. 29 Dec'r. The U. S. frigate *Constitution*, com. Bainbridge, took H. M. frigate *Java*, captain Lambert, off St. Salvador. The *Java's* loss was



60 men killed and 120 wounded ;—captain Lambert was one of the slain. A sad series of disasters, on which it is not necessary to dwell here, as they are only connected with the history of our province indirectly, though the effect they produced on the minds of our people was great, stimulating their patriotism and loyalty instead of depressing them.

About the close of this year some field works, block-houses and batteries were begun for the defence of the city and river of St. John, in New Brunswick, and a permanent pentagonal work was proposed on the Washademoiac. Major general Smyth, who commanded in New Brunswick, and Sir John Sherbrooke differed in opinion about some of these fortifications, and captain Nicolls, engineer, was sent to the river St. John—in consequence. This year placed Nova Scotia in a position of greater excitement and agitation than had perhaps been known since the old French war of 1755. The powers of the mother country were exerted to the uttermost to defend her independant existence as a nation against Napoleon, who, master already of most part of the European continent, had gone with 400,000 troops to the expected conquest of Russia, and had drawn the United States to take active part with him against England. Near 1000 ships, in commission as English men-of-war, called for more seamen than could be procured. The Spanish peninsula, while it was a school of improvement and glory for the British army, yet cost very dear in the loss of so many slain. The finances of our empire could hardly bear the pressure of the long war from 1792, with but a short intermission, to the time we are writing about. In every way the fortitude, fidelity and patience of the British people were tried ; and from 1812 to 1815, the B. N. A. colonies had their full share of anxiety and difficulty.

Lord Bathurst, 22 November, 1812, ordered the lieutenant governor to issue a patent for 5000 acres in Nova Scotia, in favor of lieut. colonel Fraser, (of 18th battalion N. S. militia.) A question had been made by his excellency, regarding the court of marriage and divorce. The councillors were of opinion that the governor's concurrence was not essential to the validity of a judgment or order of that court, if a majority

of the members assented to it. The lieutenant governor doubted this, and wrote to the minister on the subject, expressing an apprehension that the doctrine might be extended to his legislative and executive functions. The question was referred to the English crown lawyers, and the joint opinion of Sir Christopher Robinson, advocate general, and Plumer and Garrow, the attorney and solicitor general, dated Lincoln's Inn, 28 October, 1812, was sent him by earl Bathurst, to the effect that the judgment of a majority of the court was valid without his concurring in it, but that his position in legislative or executive business rested on different grounds.

## APPENDIX TO CHAPTER XXVI.

### (1.)

#### FEES ON GRANTS OF CROWN LANDS.

The governor received	£3	10	0	on every grant.
Secretary and registrar,	2	14	10	
Attorney general,	1	3	4	
Surveyor general,	2	5	0	
Auditor,	0	13	4	

There were other charges on large grants. The surveyors were allowed fees, &c. In Belcher's almanack for 1826, the fees on a grant of 100, 200 or 300 acres are stated at £11 6s. 6d., not including expences of survey. Land thus cost the grantee from 1s. 6d. to 2s. 6d. per acre, in the shape of fees and expences. The persons seeking a grant had also to attend in town, going from office to office to get it passed through its different stages, in doing which much time and patience were spent. The provincial offices then were scattered through the town.

### (2.)

Died, at Cornwallis, 11 March, 1812, John Burbidge, esquire, in the 95th year of his age. He is stated in the obituary notice to have been revered and beloved for his piety, integrity and benevolence.

10 April, John Ballaine, member for county Sydney, was accidentally drowned at Halifax, aged 34.

Died, at Halifax, 15 June, 1812, major Benjamin Fenwick, Royal artillery.

### (3.)

Sir George Prevost being governor, a small vessel called the *Falmouth*, was seized, and she was condemned while Dr. Croke administered the government.

Both claimed the governor's share in this capture. Dr. Wm. Territt heard the argument in the Vice Admiralty court, (February, 1812), the attorney general, Uniacke, pleading for Croke, and Stewart, solicitor general, for Prevost. The statutes 12 Car. 2—7 & 8 Wm. 3—4 G. 3, c. 15, sec. 42, were cited by the judge, who decided in favor of Sir G. Prevost.

## ( 4. )

The eighth and last subscription assembly for the season will be on wednesday evening, the 20th instant.

Managers—Captain Brenton, R. N.

Lieut. colonel Robertson.

Hon. T. N. Jeffery.

## ( 5. )

[*From the N. S. R. Gazette, 1 July, 1812.*]

Sir John Oldmixon appointed a justice of the peace for the county of Halifax by the lieutenant governor. (He built a cottage at Shubenacadie, where he resided in solitude some years.)

## ( 6. )

In 1812, an addition of 16 feet was made to St. Paul's church, Halifax, at the North end, with a round tower and steeple. About the same time a building was erected for the academy attached to the Windsor college.

## CHAPTER XXVII.

1813. In January, the lieutenant governor having received an order of the Prince Regent, in council, of 13 October, 1812, authorizing general reprisals against the ships, goods and citizens of the United States, issued a proclamation, calling on H. M. subjects within this province to do their utmost to capture the ships of the citizens of the United States, and destroy their commerce, 'for which purpose H. R. H. had been pleased to direct letters of marque and commissions of privateers' 'to be granted in the usual manner.' Shortly after the declaration of war, a fast sailing schooner, called the 'Liverpool packet,' which held a letter of marque, was commissioned as a privateer by the lieutenant governor, with the advice of H. M. council, and the promise that the lieutenant governor would endeavor to obtain for her the surrender of the king's rights in prizes she might take. She took several before this proclamation, and the vice admiralty court here decided that the prizes were the king's property. Sir John wrote to the minister in favor of the owners of the Liverpool packet. 13 Jan'y. 21 American prizes were condemned in the vice admiralty court at Halifax. The small military force in Nova Scotia and New Brunswick does not seem to have been reinforced from the declaration of war, in the previous June, until this period. On the contrary, Sir George Prevost ordered a regiment to be sent hence to Quebec by land in this winter. Sir John Sherbrooke states, in his letter of 1 February to earl Bathurst, that he had obeyed Sir George's command, by sending the 2d battalion of the 8th on the march thither. On the



26, 27 and 28 January, three companies marched on the road to Annapolis, where they were to embark for St. John. This arrangement was altered subsequently, the 104th being sent to Canada, while the 2d battalion of the 8th remained in New Brunswick. The detachments of the 104th left St. John in February, and the people helped them with sleighs. After deducting the parties detached for Cape Breton, P. E. island, and other important places, the general had not regulars enough for three reliefs for protection of the garrison, port, dockyard, ordnance, &c. Sir George also ordered him to send a company of Royal artillery hence to Boston, on the opening of navigation in the spring. This he represents as incompatible with the safety of the country. Apprehension of invasion having made the people in New Brunswick uneasy, Sir John sent on ten 24-pounders for the batteries on Partridge island, which commands the entrance of the harbor of St. John, with ammunition and other requisites, and 1000 stand of muskets, but the store ship *Diligence*, in which they were laden, was lost. She was separated from *H. M. S. Rattler*, her convoy, in a snow storm, near cape Sable, and went ashore afterwards on Beale's island, near Mispick reach, about twenty miles below Machias, and bilged. It happened that 400 of the muskets were in the *Rattler*, and got safe to St. John, but the *Diligent*, and what was saved of her cargo, fell into the hands of the enemy. Sir John had no means of replacing these until more ordnance stores came from England. Shortly after, the *Lady Johnson*, transport, with ordnance stores, 40 pieces of battering cannon, and 2000 barrels gunpowder, besides other stores, for Halifax, was captured by a French vessel.

Messrs. E. B. Brenton, J. B. Butler and Mr. Belcher, members of H. M. council, being long absent from the province, the first being with Sir G. Prevost in Canada, and the other two in Europe, and the bishop being infirm, Sir John Sherbrooke appointed Foster Hutchinson, the judge, and John Black, a merchant of Halifax, (a native of Scotland, and brother to the hon. William Black, of the council in New Brunswick), to seats in the council, and they were sworn in as members on 8 February.

There were 172 prize vessels lying at Bermuda at this time. Admiral Warren declared a blockade of the Chesapeake and the Delaware, 6 February.

The assembly met thursday, 11 February, (10th assembly, 2d session.) His excellency, in the opening speech, congratulated the assembly on the successes of the Russians over the French emperor and his invading army—expressed admiration of the zeal, loyalty and courage of the Canadians, who, supported by a small force of regulars, had repelled the reiterated attacks of the Americans on their territory, and relies on the same loyalty here if an attack should be made. He tells them he had effectd as much of the loan (authorized last session) as was required, at legal interest, without premium; and further, that the province notes now pass with the same facility as ready money. He recommends them to form some better plan for the roads. Thinks sums expended on small portions of road objectionable. Says ‘the labor of one year’ ‘is in many instances scarcely perceptible on the return of’ ‘another.’ John Gibbs was appointed messenger to the house, and Robert Angus serjeant-at-arms, for this session.

The expences of the provincial armed schooner *Gleaner*, from 9 Oct’r., 1812, to 16 Feb’y., 1813, amounted to £350 10s. 4d.—A peculiar occurrence in our earlier times was this: On some roads a long distance intervened without any settlers, consequently travellers had no place for rest or refreshment. Bounties were given in such instances sometimes by the assembly, to induce parties to settle who would accommodate travellers. 22 Feb’y. Joseph Langley, (called Hugh Langley in journal 31 March), who had settled at the bridge over the West branch of St. Mary’s river, on the road from Musquodoboit to Guysborough, and had received £30 on that account, prayed further aid. (Some years ago a woman named Rebecca Langley, who lived in a lone house in that direction, was murdered by a tramp.)

The annual account shewed the revenue to 31 Dec’r., 1812, to be £33,686 3s. 10d.; the undrawn appropriations, £7185 8s. 5d.; province notes in circulation, £11,119 10s. 0d.; borrowed on loan, £5000. The balance open to be appropriated

was £10,381 5s. 5d. The repairs of government house in 1812 cost £1223 12s. 5d. The expences of the Halifax poor house for 1812 were £2400. 25 March, the council agreed to 109 resolutions of the house, granting sums for roads and bridges ; 26th, they agreed to 28 other similar votes ; and 1 April, to 7 more road votes. On saturday, 3 April, the assembly was prorogued. An additional militia law—a law for improvement of the great roads—an act imposing duties on imports from the United States, of 10 per ct.,—grain, flour, naval stores and prize goods being exempted from it—several acts to revive and continue duties on imports, on distilled spirits, &c.—an act to call in the province notes bearing interest, and issue others not bearing interest, providing for funding them, &c., with some other minor laws, were passed.—In New Brunswick, the militia assisted the regulars in garrison duty, detachments from Westmoreland coming to St. John.

The border war was carried on by the United States against Canada. The attacks were generally repelled by the regulars and the militia of that province. Sometimes they retaliated, as in the case of the American fort at Ogdensburg, captured by the British 22 February. The American army at this time was, by vote, increased to 55,000 men. April 2, the *Volante*, prize, arrived at Halifax. She had a valuable cargo—mounted 22 guns, and had a crew of 90 men. She was taken by H. M. brig *Curlew*, 18, after some exchange of shot. The *Curlew* was commanded by captain Michael Head, a native of Nova Scotia. Admiral Warren's fleet blockaded the Chesapeake and New York. April 26. A flotilla of 10 or 12 vessels of war, under commodore Chauncey, with 5000 men, under general Dearborn, captured the town of York and its forts. The American brigadier general Pyke, and 200 of his men, together with 50 British artillerymen, were killed there by the explosion of a magazine. The loss on both sides was great. Gen. Sheaffe, the English commander, had a small force of regulars, militia and Indians, about 700 or 800 altogether. He made good his retreat, with most of his regulars. (The Americans stated the English loss, in killed, wounded and prisoners, at 750.) York was then but a village, although the political capital of the pro-

vince of Upper Canada. Its name was subsequently changed to Toronto, now a famous city. This capture was essentially but a raid, no permanent possession being retained by the victors, who had all re-embarked on 2 May. Large reinforcements were on their way from England to Canada. Fourteen transports, under convoy of the *Cygnet*, being off Cape Ray 6 May. In these were the 19th light dragoons, and 2 battalion 41st foot. The 2d battalion 89th—a company of Royal artillery—the regiment de Watteville, 1540 strong, and 4000 seamen, on the point of sailing. The Watteville and other regiments arrived at Halifax the 17 May, and sailed for Quebec on the 22d. (5 May, the lieutenant governor recommends Brenton Halliburton, hon. P. Wodehouse, commissioner of dockyard, and rev'd. Dr. Stanser, to seats in H. M. council, when vacant.) On the 5 May, Sir J. L. Yeo, with 450 seamen, arrived at Quebec. They were intended for service on the lakes. Meantime, Sir John C. Sherbrooke had shipped cannon, &c., for two sloops of war, to be employed on the Canada lakes—\$120,000 in specie, and a company of Royal artillery; also a detachment of the 104th regiment,—all for service of Canada. 14 May. The garrison of Halifax consisted of six companies of the 98th foot, four companies of the 99th foot, and a detachment of artillery. At Annapolis, there were two companies of the 99th. Tuesday, 1 June. H. M. S. *La Hogue*, Rifleman and transports, arrived at Halifax from the West Indies, bringing on the 13th and 64th regiments. The 13th went to Quebec, while the 64th remained here to strengthen our garrison.

The captures of the *Guerriere*, *Macedonian*, *Java*, &c., while they encouraged the Americans to boast of naval prowess, created, naturally enough, an indignant feeling among the officers of the British navy. The prestige acquired by so many victories achieved by Howe, Duncan, Nelson, Cochrane and others, in the contests with the French, were in danger of being overshadowed by the successes of the Americans. The British naval officers felt that this was unfair. In all the encounters they had with United States ships, the balance as to weight of metal, size of vessels, number of crews, &c., had



been in favor of their adversaries. Yet, the current of events was dimming their laurels, and injuring the confidence of victory, which had done so much for the red cross banner on the Atlantic. Among those who felt excited to redeem British naval honor from this temporary eclipse, was an English gentleman, Philip Bowes Vere Broke, commanding the Shannon, frigate, (rated 38 guns,) on the Halifax station. He had been cruising in the neighborhood of Boston harbor, in company with the frigate Tenedos, 38, in the latter part of May. The American frigate Chesapeake then lay in that harbor, and Broke, desiring a combat with her, directed the Tenedos to leave the harbor, with a view of inducing the Chesapeake to venture out. It is also said he sent a written challenge to Lawrence. Captain Lawrence, a gallant young officer, lately promoted from the U. S. sloop Hornet, in which he had taken H. M. sloop Peacock, commanded the Chesapeake, and having manned her with picked seamen, the vessel being completely fitted for action, he quitted the roads and put to sea on monday, 1 June. In expectation of seeing a combat, and the almost assurance of a victory on their side, some of the gentlemen and ladies of Boston went out in sail boats to view the contest. Broke, in the Shannon, being close in with the Boston light house, says he had the pleasure of seeing that the U. S. frigate Chesapeake, which he had been long watching, was coming out of the harbor to engage him. He proceeds thus: "I took a position between cape Ann and cape " "Cod, and then hove to for him to join us. The enemy came " "down in a very handsome manner, having three American " "ensigns flying: when, closing with us, he sent down his " "royal yards. I kept the Shannon's up, expecting the breeze " "would die away. At half-past 5, P. M., the enemy hauled up " "within hail of us on the starboard side, and the battle began, " "both ships steering full under the topsails. After exchang-" "ing between two and three broadsides, the enemy's ship " "fell on board of us, her mizen channels locking in with our " "fore rigging. I went forward to ascertain her position, and " "observing that the enemy were flinching from their guns, " "I gave orders to prepare for boarding. Our gallant hands "

“appointed to that service immediately rushed in, under”  
“their respective officers, upon the enemy’s decks, driving”  
“everything before them with irresistible fury. The enemy”  
“made a desperate but disorderly resistance. The firing”  
“continued at all the gangways, and between the tops, but”  
“in two minutes’ time the enemy were driven, sword in hand,”  
“from every post. The American flag was hauled down,”  
“and the proud old British union floated triumphantly over”  
“it. In another minute they ceased firing from below, and”  
“called for quarter. The whole of this service was achieved”  
“in fifteen minutes from the commencement of the action.”  
Captain Broke was with the boarding party, and received a severe sabre wound in the head, while exerting himself to save two Americans from the fury of his men. The wound was said to have fractured his skull. Mr. Watt, the first lieutenant of the *Shannon*, was slain, while in the act of hoisting the British colors on the *Chesapeake*. It was said that he was killed by a ball from the *Shannon*,—the American flag being run up by mistake above the English, those left in the *Shannon* imagined a recapture, and fired. Mr. Aldham, the purser, Mr. Dunn, the captain’s clerk, and 28 seamen and marines, were killed, of the company of the *Shannon*. Mr. Stephens, boatswain, (who had fought under Rodney), lost an arm; and Mr. Samwell, midshipman, was wounded; 56 seamen and marines were also wounded. On board the *Chesapeake*, the captain, Lawrence, was wounded early in the action, and the wound proved mortal. He languished until saturday, the 5th June, when he expired. The fourth lieutenant, Ballard—Brown, lieutenant of marines—White, sailing master—several petty officers, and about 70 of her crew, were killed. Lieutenants Ludlow, Budd and Cox—midshipmen Weaver, Abbott, Nicols and Berry—Livermore, chaplain, and near 100 of the crew, were wounded. (Lieut. Ludlow died at Halifax on 13 June, of his wounds.) The *Chesapeake* had 440 men on board, and the *Shannon* 330, in going into action. The *Chesapeake* mounted 49 guns—eighteen on her main deck, and thirty on her quarter deck and forecastle. Captain Broke says: “Both ships came out of action in the most beautiful”

“order, their rigging appearing as perfect as if they had only ”  
“been exchanging a salute.” Lieut. Wallis, afterwards admiral Wallis, a native of Halifax, second lieutenant of the Shannon, in consequence of capt. Broke’s wound, took charge of her, and the third lieut., Falkiner, had charge of the Chesapeake. They were steered for Halifax, where they both arrived on sunday, 6 June. On tuesday, the 8 June, captain Lawrence’s remains were buried in the graveyard opposite government house. His remains were landed, under a discharge of minute guns, at the king’s wharf, from whence they were followed to the grave by his own surviving officers, those of H. M. navy and army, and many respectable inhabitants of the town. On the American flag, which covered the coffin, was placed the sword, &c., of the deceased, and the pall was supported by six captains of the royal navy. A military band attended, and 300 men of the 64th regiment fired three vollies over the grave. The funeral service was performed by the rector of St. Paul’s church. Nothing could be more solemn and impressive than this procession, from its landing at the king’s wharf to the close.—Captain Broke was made a baronet.

In Canada, victories were obtained by the Indians over Harrison’s forces, on the Miami, and by the English at Sackett’s harbor. (1 July, Sir John wrote to lord Bathurst for 900 fusils, for that number of militia serjeants.) 26 June, the Am. privateer Young Teazer was chased into Mahone Bay by H. M. S. La Hogue and Orpheus, when, it falling calm, the first ship sent five boats in pursuit of her; and about nine o’clock in the evening, whether by accident or otherwise is not certainly known, she blew up. Her crew consisted, at the time, of about 36, only eight of whom had the good fortune to escape the explosion, and were carried prisoners to Lunenburg, where they were examined before Francis Rudolf and J. Creighton, esquires. It was supposed this vessel was purposely destroyed by some deserter on board.—Of six prisoners taken in the Nautilus, suspected of being English fighting against their own country, five were liberated as Americans, on which ten of the hostages in Massachusetts were set at liberty.

On the 10 June, the privateer *Liverpool Packet*, of Liver-

pool, N. S., was captured by the American privateer *Thomas*, T. Shaw then master, 12 guns and 80 men. After striking their colors to such superior force, they were repeatedly *fired* into, by the officers and crew of the *Thomas*, who threatened to give them *no quarter*; and the second lieutenant (William Damerell) snapped a pistol twice at capt. Barss, of the Liverpool Packet, and on his arrival at Portsmouth expressed his great sorrow that he had not put every soul on board the L. P. to death. Captain Barss is stated to have been in close confinement at Portsmouth, by order of the American government, in retaliation for the treatment of a captain W. Nicholls, of the Decatur, of Newburyport.

On tuesday, 10 August, the American brig *Henry*, Crowinshield, arrived at Halifax with a flag of truce from Salem. Permission having been granted, the bodies of capt. Lawrence and lieut. Ludlow, late of the Chesapeake, were taken up, and conveyed on board the American brig at the beach. In August, H. M. S. *Pelican*, 20 guns, captured the U. S. vessel *Argus*, 18, in the English channel. In September, the U. S. ship *Enterprise* took H. M. S. *Boxer*. The commanders of both were killed.—7 Sept'r. Plague raging in Malta, a quarantine was ordered by his excellency. 10 Sept'r. The American squadron, under Perry, on lake Erie, defeated our vessels commanded by Barclay, capturing them all. There were nine American and six British craft. Our guns were stated to be 63—theirs 54. 17 Sept'r. Admiral Warren arrived from the Chesapeake, in eight days voyage. With him came the *San Domingo*, 74; *Diadem*, 64; *Diomede*, 50; *Junon*, 38; *Romulus*, 36; *Success*, 32; *Fox*, 32; *Nemesis*, 28; *Loup Cervier*, 18; *Mariner*, 15; *Highflyer*, 10; king's ships, and the *Anacanda*, 16,—American letter of marque prize; transports *Britannia* and *Samuel & Sarah*. The marine battalions, and 300 men of the 102d, came in this fleet. The admiral left behind him two 74's, one 38, one 36, and three 18-pounders.

Detroit was recaptured (5 October) by the American general Harrison. Lord Bathurst writes to Sir John Sherbrooke, that in the spring the prisoners sent from Canada to



Halifax will be removed, but that in the present state of the war in Canada, it is next to impossible to divert any part of the reinforcements intended for that quarter to Nova Scotia. In a subsequent despatch, October 29th, he tells him that a light 6-pounder car brigade, with ammunition and stores complete, will be embarked for Halifax in the first ships of the ensuing spring, and that directions have been given for bringing to England, with as little delay as possible, the American prisoners of war in the province of Nova Scotia.

In a memorial, dated October 8, 1813, from a committee of inhabitants of Nova Scotia, and addressed to earl Bathurst, colonial secretary, they say 'this province has been held in ' 'great neglect, and kept in protracted infancy. It has been ' 'the practice of many persons, who have seen the country in ' 'the neighborhood of the town and harbor of Halifax only—' 'or at most the rest of the southern shores along the Atlantic,' 'to describe, in publications and otherwise, the whole province as barren, and nearly incapable of an extended cultivation.' This report, they allege, has been re-echoed by those interested in the trade between the United States and the British West Indies. They proceed to point out the fertile soil, minerals and harbors of Nova Scotia—the salubrity of the climate, and the great value of Halifax as a military and naval station. They complain of the rights of fishery conceded to the Americans by the 5th article of the treaty of 1783, and pray for attention to the interests of Nova Scotia in any future negotiations with foreign states. This document is signed by William Sabatier, George Grassie, John Black, John Pryor, Enos Collins and Andrew Wright, who were merchants of Halifax. Attached to it is a long document, inveighing against the Americans as grasping territories and privileges, and charging them with bad faith in breach of the treaty of 1783 in many particulars. It complains that American vessels were suffered, for many years, to resort to the British West Indies, with East India, foreign and American manufactures. Complains also of the acquisition of Louisiana,—of Miranda being encouraged by the U. S. government to create revolts in South America,—of the invasion of Florida,—of

their adhesion and crouching to France,—of the ill usage of British soldiers and sailors in the United States. It enters into the disadvantages a colonial vessel, with fish and lumber only, has in the West Indies in competing with Americans who bring manufactured articles of all kinds—tobacco, brandy, East India and China goods, spices, &c. From 1783 to 1793, American vessels were not admitted to the B.W. islands. From 1793 to 1806 they were partially admitted and excluded. From 1806 to 1813 they have, in a great measure, excluded themselves by the embargo system or actual hostilities. It goes on then to prove that if the Americans, on the restoration of peace, should be admitted to trade with the British West India islands, these colonies will be ‘in a perpetual infancy.’ They urge that neither French nor Americans may again be privileged to fish ‘in the narrow seas and waters of these’ ‘Northern British colonies.’ They call ‘the sentiments,’ ‘habits and manners, both political and moral, of the lower’ ‘order of Americans, dangerous and contaminating in a very’ ‘great degree,’ and dwell on the mischief of allowing their resort to our shores, and communication with our inhabitants. Complain of seizure of islands in Passamaquoddy bay—of smuggling under the mask of the gypsum trade; deprecate the restoration of St. Pierre and Miquelon to France; conclude that the interests of Nova Scotia require that the Americans should be excluded from trading with the British West Indies, but admitted to certain free ports here, which they considered should be only Halifax and St. John, N. B.

25 August. The underwriters and merchants of Halifax presented an address to capt. Broke, and a present of a piece of plate, which he accepted graciously. Lieutenants Wallis and Faulkiner were made commanders, and the midshipmen were promoted to be lieutenants.

It was in this year that Walter Bromley, who had been here previously as a captain and paymaster of the 23rd regiment, commenced the establishment of a school, on what was termed the Lancaster system, intended chiefly for the instruction of the poor. He succeeded eventually in building the ‘Acadian school,’ on the site of the theatre, on a lot extending from

Argyle street to Barrington street. He was an enthusiast in his pursuit, and made friends and created opposition, but his sole aim was the improvement of human beings ; and he was himself a fine specimen of the earnestness, industry, and singleness of heart and purpose of the English race.

On Friday, the 12 November, a terrific storm occurred at Halifax,—nothing like it had happened here since the gale in September, 1798.

General Wilkinson, intending to invade Canada, was defeated Nov'r. 11, near Williamsburg, by lieut. colonel Morrison, and retreated with his forces. On 16 Nov'r., admiral Warren issued a proclamation, dated at Halifax, in which he first recites the order of the Prince Regent for the blockade of the Chesapeake, the Delaware, and the ports and harbors of New York, Charlestown, Port Royal, Savannah, and the river Mississippi, in the United States. Next states that he had stationed a sufficient naval force at each of these to enforce the blockade,—that the enemy had withdrawn his navy from New York to New London, to cover the New York trade, and by inland carriage had established commercial intercourse between the ports blockaded and the rivers, harbors, &c., contiguous, thus, to some extent, preventing the effect of his blockade. He then declares that, in addition to the existing blockade, the Long island sound, Long island, the East and North rivers of New York, and all the sea coasts of the Jersies, Pennsylvania, Delaware, Maryland, Virginia, North and South Carolina, Georgia, and all the mouths of the Mississippi, are blockaded. Such is the substance of this document.

£130 sterling was subscribed at Halifax, to assist prisoners in France belonging to this province, and the amount was remitted to England in a bill of exchange, in July.

The naval force on the North American station about this time was stated to comprise 13 seventy-fours, 2 sixty-fours, 2 fifties, 1 of forty-four, 2 of forty, 11 of thirty-eight guns, 8 of thirty-six, 6 of thirty-two, 2 of twenty-eight, 2 of twenty-four, 5 of twenty, 28 of eighteen, 6 of sixteen, 8 of ten, and 4 of four guns,—in all making 106 armed vessels. A project seems to have originated with Sir J. Sherbrooke to remove

the prisoners of war from Halifax to Pictou or to Louisbourg. Sir J. B. Warren, the admiral, wrote to Mr. Croker on the subject. He says he is perfectly convinced that the inconveniences stated by his excellency actually exist, and that many other equally injurious consequences do arise from its present situation. Louisbourg, he says, is 'quite out of the way of' 'our commercial speculations. Provisions are there cheap' 'and abundant. I am of opinion a great expence would be' 'saved to our government, even in victualling them at Hali-' 'fax; and viewing it in every other point, I cannot help sug-' 'gesting to their lordships the eligibility of taking the matter' 'into consideration, and of establishing the depôt thereat.' The government were informed that, owing to the intercourse Mr. Mitchell, the American agent, held with the American prisoners at Melville island, no less than ten licensed vessels had been seized and condemned in the United States. The transport board, of which Sir Rupert George was at the head, reported their opinion in favor of changing the place for the prisoners, and particularly putting them out of the reach of such an agent as Mitchell; but they said very correctly, that unless Louisbourg had been much altered within the last few years, great expence must be incurred in buildings, and that there would be difficulty in supplying provisions there. Lord Bathurst, by letter of 29 January, 1814, directed Sir John Sherbrooke 'to lose no time in removing to Louisbourg all' 'the American prisoners of war now on parole at Halifax,—' 'that you will take every opportunity of sending the other' 'prisoners not on parole to this country, and that you will' 'immediately place Mr. Mitchell under the same restrictions' 'in point of residence which the American government have' 'imposed upon colonel Barclay.' Colonel Barclay, the British agent of prisoners in the United States, had been compelled to reside in the interior. Mr. Mitchell was resident at Halifax, as agent for American prisoners.

10 Dec'r. The British troops took fort Niagara by assault. The attack began an hour before daylight. The 100th regiment, part of the 41st, and some militia, were engaged on our side. The American loss was 65 killed, 15 wounded, and 350



prisoners ; 27 guns were captured in the fort. English loss, 4 killed and 3 wounded. Lieut. Nowlan, of the 100th, was our only officer killed. The Americans, under general McClure, in their retreat, burnt, in the little town of Newark, eighty dwelling houses, and eighteen others in the vicinity, leaving the villagers, among whom were about 400 women and children, exposed without cover to the extreme rigor of a Canadian winter.

Within a half hour's walk, West, of our little metropolis of Halifax, there is a charming, romantic inlet of the Chebucto bay, called the North West arm. On the furthest or West shore of it is a deep cove, within which lies a small islet called Melville island. The combination of forest scenery, villas, and clear, deep sea water, to be found here, is hardly surpassed in beauty and attractiveness by any other place in the province. About the beginning of the present century, this little island was purchased by the British government and appropriated to the purposes of a naval prison. The war with France brought a crowd of sailors of that nation here, who had been taken in ships of war, privateers and merchant vessels. While the officers were prisoners on parole, the common men of the crews were lodged and provided for in this establishment. They were, generally speaking, cheerful, industrious, and well-behaved,—so much so, that very many were permitted to hire themselves out to farmers and others in the neighborhood of Halifax, or as domestics in some instances. In the large building occupied as the prison, those who remained were clean, orderly, and even happy. Many of them spent their time in making boxes, dominoes, and other small articles of bone. The people of the town were permitted to visit this prison, and purchase their little manufactured objects. As the N. W. arm is usually frozen in the winter, parties from town frequently crossed on the ice from Mr. Pryor's wharf, below Jubilee, to the island. The prisoners lived in a large wooden edifice, very strongly built, and comfortable. It was divided by partitions of plank and timber (which, however, only went part of the way up to the roof) into compartments on each side, the centre passage being wide and open. The

hammocks, and other accommodations of the men, were in these compartments. At the upper end of the place there was a kind of bazaar, where every prisoner who had something to sell displayed his wares. One man had a kind of puppet show, with vocal accompaniments ; another had a metal wheel revolving, forming a lottery—all prizes ;—you put down your eighth of a dollar, or so, and you got, perhaps, a tooth pick, or may be something of greater value. They had very pretty models of ships of war, made of bone, and the rigging of hair.

After the war of 1812 with the United States brought in American prisoners in large numbers, it became impossible to continue these arrangements. Indeed, as the prisons grew crowded, they ceased to be a resort for diversion or a scene of cheerfulness.

The officers or others of the French navy who were admitted to parole, for the most part resided at Preston. There they could live at small expense ; and the neighboring lakes and streams, and the woodland glades of that pretty township, afforded the means of unfailing and innocent recreation, while the inhabitants were kind and hospitable.

The effects of the war upon this province, and particularly upon the people of Halifax, were very marked. Always sympathizing closely with the national glory of Great Britain, they were now drawn more than ever to feel a lively interest in military and naval transactions. The operations of the combatants were brought much more near than ever, and on the sea were more frequent. Our harbor had become the temporary home of the ships of war, and the place where their prizes were brought and disposed of. Our youths were eager to participate in the path that seemed to lead, by a few short steps, to honor, glory and fortune ; and indeed when it is borne in mind that four or five Halifax lads rose to be admirals, we can hardly wonder at the school-boy's desire to wear the white stripe on his collar and the little ivory hilted dirk that indicated his authority to command men. The little capital, then occupying a restricted space, became crowded. Trade was active. Prices rose. The fleet increasing, provisions were in great demand, and this acted as a large bounty

in favor of the agriculturist and the fisherman. Rents of houses and buildings in the town were doubled and trebled. A constant bustle existed in our chief streets. Cannon were forever noisy. It was a salute of a man-of-war entering or leaving, practising with the guns, or celebrating something or somebody. The events of the contest in Europe, from 1811 to 1815 were almost, in aspect, a melo-drama, yet serious tragedy in truth. What was most popular at this period here, I may justly say, was the British navy. Their courageous and adventurous life,—their unsophisticated manners,—their good-hearted, reckless generosity, and even their little faults and aberrations won them a place in the esteem and affection of our people. Their quaint phrases were re-echoed, and even their prejudices sometimes adopted.

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## APPENDIX TO CHAPTER XXVII.

(1.)

SIR P. V. BROKE, BARONET.

Like many of our best admirals—such as Boscawen, Byron, Howe, Rodney, and Collingwood—Broke came from an old English family. He was the eldest son of Broke, of Broke Hall, on the Orwell, not far from Harwich, one of whose ancestors was killed in command of a ship, fighting the Dutch in 1665. Born in 1776, he was sent first to school at Cheam, in Surrey, and then to the Royal Academy at Portsmouth, to be prepared for the Navy. A want of general culture is the weak point of naval men. But Philip Broke was a reader through life, and so far a Latinist as not only to appreciate Horace thoroughly, but to be able to express himself in decent Latin prose. He went to sea in 1792 in the *Bulldog* sloop, from which he shifted to *L'Eclair*, another small craft, and then to the *Southampton* frigate, in which he served at the battle of St. Vincent. He was also in Sir John Warren's action off Ireland in 1798, and received his promotion early, for he was a commander at twenty-three, and a captain at twenty-five. No training could have been better. He found himself in the thick of a war still a boy. He was in small vessels that were always moving about, and he had every opportunity of thoroughly learning a business which he thoroughly loved. Four years after being posted,—during which interval he married,—Broke got the command of the *Druid* frigate, which he held for a year. From the *Druid* he went, in August, 1806, to the *Shannon*, the name of which runs as naturally now with Broke as Broke Hall itself. She was a fine frigate, of thirty-eight guns; eighteen-

pounders on the main, and thirty-two pound carronades on the upper deck. Her first cruise under Broke was for the protection of our whalers on the Greenland and Spitzbergen coasts. She then passed from the regions of eternal ice to the land of grapes and flowers, being employed in the reduction of Madeira. Returning home, she was attached to the Channel fleet under Lord Gambier, and had much hard and rapid cruising from Plymouth to Brest, from Brest to Cadiz, from Cadiz to Tangier, going backwards and forwards, as a Mercury of the great squadrons then watching the French. The Shannons,—for our seamen always called themselves after their ships,—were now receiving their education. The frigate was a school of which Broke was the head; and she was taking the impress of his mind. He was a tremendous man for gun-drill, and a man of sleepless alertness and activity; but a thorough gentleman with it all,—polite and good-tempered, while strict and watchful; of cultivated taste, but plain, sober, simplicity of character; and he turned his eyes wistfully to his “beloved L——” at home, anxious to be with her and her young ones again,—could he only do something for the honour of old England and the old Brokes first. The American war of Mr. President Madison gave him the wished-for chance.

That war found the *Shannon* on the North American station, to which she had proceeded in 1811, the year before it began. How disastrous its early events at sea were to us, no Englishman is likely to forget. In August, 1812, the *Guerrier* was taken by the *Constitution*. In October the Macedonian was taken by the *United States*. December saw the *Constitution* victorious over the *Java*. That the American frigates thus successful were of superior force to ours nobody now denies. Fenimore Cooper, the distinguished historian of the American navy, puts the best face on the fact, but does not dispute it. “We must catch one of those great American ships with our squadron,” writes Broke to his wife, “to send her home for a show, that people may see *what a great creature it is*, and that our frigates have fought very well, though so unlucky.” And he spared no pains to make the *Shannon* ready for the encounter. In March and the following months of 1813 he was off Boston, and his first mention of his future antagonist occurs on April 14. “One of their frigates, *Chesapeake*,” writes he, “got safe in; this is mortifying, but fortune must change in time.” He goes on: Eight years of my youth, and all my plans of rural quiet and domestic happiness have faded away or been cruelly interrupted by the imperious call of honour. But surely no man deserves to enjoy an estate in England who will not sacrifice some of his prospects to his country’s welfare, either by actual service, if capable, or at least by the example of zeal and voluntary privation in her cause.” True to this good old doctrine, he held on, watching Boston and exercising at the great guns. The *Chesapeake*, meanwhile, was given by the Americans to an officer of whom they are still justly proud—Captain Lawrence—a fine gallant fellow, very popular among their seamen, and who, during the past February, had taken H. M’s. sloop *Peacock* when in command of the *Hornet*. The *Shannon* was getting short of provisions and water as the year advanced; and Broke grew very anxious that the *Chesapeake* should come out. That she might have every fair reason to do so, he sent away his consort, the *Tenedos*, to another cruising ground at the end of May; and finally he sent in a written challenge to captain Lawrence, which is a perfect model in taste and sense of all that such a composition ought to be. It would seem, however, that Lawrence was under weigh before this letter reached him, if it ever reached him at all.—Tuesday, June 1, 1813—the news ran round



the decks of the Shannon that the Chesapeake was coming out ; and, spreading a cloud of sail to the light breeze, the stately frigate bore down from her native shore towards the offing. Some pleasure boats hung in her wake to see the fight, —the shore was covered with spectators. Nay, it is said that an entertainment was prepared on shore for the victors—so little doubt had they. As the Chesapeake drew near, Broke summoned his crew, and made a brief, hearty, rather grim speech. It was no time for one of those half jolly little harangues with which some of the old school used to herald an attack on a Frenchman. We had had several beatings, and Broke knew the responsibility. “Don’t cheer,” he said ; “go quietly to your quarters.” And when a seaman, looking up at the rusty blue ensign on the mizen peak, asked, “Mayn’t we have three ensigns, sir, like she has,” “No,” said Broke, “we’ve always been an unassuming ship.”

The supreme moment was now come. The Chesapeake having reduced her press of sail, rounded to within pistol-shot on the Shannon’s starboard quarter. The Shannon at once poured a rolling broadside, from aft forward, into her, with tremendous effect ; and the battle began. In a few minutes Captain Lawrence had fallen mortally wounded, and soon after him every officer on whom the command could have devolved was either wounded or killed. The frigates surged ahead, abreast of each other, under topsails, cannonading for a brief space ; when the Chesapeake, becoming unmanageable, fell on board the Shannon, striking her with her larboard quarter, about the sixth gun on the main deck. Instantly, the Shannon’s boatswain, Stevens, began to lash the ships together, regardless of sabre cuts, from the effects of which he afterwards died. Captain Broke rushed forward, roared for boarders, and sprang, sword in hand, at their head, on to the enemy’s deck. The resistance was desperate but short. The Americans were driven down the hatchways very soon, though for a moment the triumph was marred by a sad accident. The English, in hoisting their own colours, put them *under* the American ensign, and the Shannon, thinking that a recapture was at hand, fired again, and killed her own first lieutenant. Meanwhile, Capt. Broke, assailed in the moment of victory, by enemies who had already received quarter, sank covered with blood and with his skull fractured, on a carronade slide. But the battle had been won, and won in thirteen minutes, during which 252 men had been killed or wounded in the two ships. The loss was almost equal to what has occurred in some general actions ; nor has anything like such slaughter been common in our sea-fights since the bloody Dutch wars of the seventeenth century.

The two frigates—one with her captain dying, the other with her captain lying helpless in his cot—now made for Halifax, which Captain Lawrence did not live to see. At Halifax, the welcome of the Shannon was enthusiastic. Among the visitors who rowed off to see the vessels was a shrewd, observant lad, with an eye for whatever was noticeable in life. His name was Haliburton ; and more than fifty years afterwards, when he had become a retired judge—a member of the British Parliament, and a famous humourist, he sat down on the banks of the Thames to write an account of what he saw that day to Broke’s son, Sir George Broke-Middleton. The letter is given in the book before us. Haliburton saw the Chesapeake’s deck before it was cleaned :

“The coils and folds of rope (he says) were steeped in gore, as if in a slaughter-house. Pieces of skin, with pendent hair, were adhering to the sides of the ship ;

and in one place I noticed portions of fingers protruding, as if thrust through the outer wall of the frigate; while several of the sailors, to whom liquor had evidently been handed through the portholes by visitors in boats, were lying asleep on the bloody floor as if they had fallen in action, and had expired where they lay."

A Hogarthian picture of this kind naturally stamped itself on young Haliburton's mind. "I was but seventeen years of age," "and it made upon me a mournful impression, that even now, after a lapse of half a century, remains as vivid as ever."

The recovery of Broke during summer was tedious; and, indeed, he can hardly be said ever to have recovered entirely. After an absence from duty of some months, during which he wrote many delightfully gentle and playful letters to his wife, forming some of the pleasantest reading in the biography, he returned to England, which he reached in November. The long space which succeeded the great war soon began, and the rest of Broke's life was passed in retirement. He was domestic and studious, and lived chiefly at his country house, among a family who loved him, and neighbours who were proud of him, attending to country business, potting yew trees, planting oaks, reading Horace, and *going regularly to Church, like a model country gentleman*. A fall from his horse in 1820 brought back some of the bad effects of his wound; and the last years of his life were spent in a very shattered state of health. He took a vivid interest in the navy, and sent more than one of his sons into it; and we find him discussing the details of the — war in December, 1840. A fortnight after this letter was written—on January 2, 1841—he died in a hotel at London, where he had come for medical advice, and on the 9th he was laid with his gallant ancestors inside the ancient walls of Nacton church. There are greater, but there are no purer names in the history of the British navy, in which Broke, of the Shannon, will always hold a high and honorable place.—*Pull Mall Gazette*.

## (2.)

The commission of naval officer was long held by W. Tonge, esq'r., afterwards by his son, W. Cottnam Tonge, until 1807. He was removed by Sir John Wentworth, who appointed John Beckwith, esq'r. Beckwith was also adjutant general of militia. He appears to have been naval officer from 1808 to 1816, if not later. In 1820 the office was held by Mr. Blackwell, the last appointed. The following advertisement explains the nature of the situation:—

## NAVAL OFFICE,

1ST JANUARY, 1814.

NOTICE is hereby given, that the above office is removed from its late situation to the building in which the Custom House is kept, where regular attendance will be given at the usual hours.

Conformable to the British Act of Parliament, all vessels arriving from any port out of the Province, are to enter at this office, before they break bulk, and before they enter at the Custom House, (agreeably to the resolve of the Governor and Council), and such entry must be within twenty-four hours after their arrival. All vessels departing the Province must clear at this Office, after clearing at the

Custom House. A neglect in either of these points forfeits the vessel to His Majesty. All vessels anchoring in any of the harbors of this Province, bound from one port to another, either of which ports are not in the Province, must report immediately at this office, before reporting at the Custom House.

All Endorsements on Registers, made by the Officers of the Customs, must likewise be signed before leaving the port, by the Naval Officer. No vessel must load any of the commodities called Enumerated, without giving bond; nor land any Goods subject to the Provincial Duties, after having cleared the same.

Agreeable to the Proclamation of His Excellency the Lieut. Governor, persons transgressing the said Acts of Parliament "shall be forthwith prosecuted with the utmost severity of the Law, made and provided against such Delinquents."

Mr. THOs. W. JAMES is appointed Deputy Naval Officer for the Port and District of Halifax.

JOHN BECKWITH,  
Naval Officer,

( 3. )

Died, at Dartmouth, suddenly, on Saturday, 9 January, 1813, Alexander Howe, esquire, an old and respectable inhabitant of this Province, aged 64 years, late a member of his Majesty's Council, and Commissary General at Prince Edward Island; and formerly, for many years, a very useful member of the Legislature of this Province.

Lady Wentworth, consort of Sir John Wentworth, Bart., departed this life at Sunning Hall, in Berkshire, the 14th February, in the 68th year of her age.

Died, in this town, on Tuesday last, 20 April, James Creighton, esquire, in the 81st year of his age. He was a native of England; but came to this Province in the year 1749.

Died, May 6. George Collins, member of Assembly, in his 42d year.

Died, in Park Place, London, June 10th, Samuel Hood George, esquire, aged 24 years, eldest son of Sir Rupert George, Bart., and Secretary of this Province.

July 30. Died, at Laheve, Frederica Augusta Pernette, widow of Joseph Pernette, in the 78th year of her age.

Died, at Horton, on the 27th December, 1813, after a long and painful illness, Thomas Ratchford, in the 73d year of his age.

"Among the brave officers who have lately fallen in the service of their King and Country, we deeply regret to find the names of Major Despard, 7th regt., Capt. Collier, R. E., and Lieut. Fawson, of the 4th Regt. Lieut. Fawson was son of Capt. Jones Fawson, sheriff of Halifax, &c."

Married, on Saturday, 8 May, by the Rev. Rector of St. Paul's, the Right Hon. Lord James Townshend, Captain of H. M. ship *Æolus*, to Elizabeth Martha, eldest daughter of Pro. F. Wallis, esquire, of H. M. Naval Yard.

Married, June 31, by the Rev. Dr. Stanser, Captain Michael Head, of H. M. S. *Curlew*, to Elizabeth, daughter of the Rev. Mr. Eagleson, late of Cumberland.

( 4. )

About 7 o'clock on Monday evening, 25 January, five soldiers attacked with their bayonets several persons belonging to the Lunenburg Shallops lying at the Market Wharf, and badly wounded messrs. Frederick and Henry Publicover,

Cornelius Uhlman, and George Teel. The exertions of some of the Magistrates, assisted by the Guard from the King's wharf and several inhabitants, prevented further mischief. Three of the ruffians were apprehended, and have been fully committed for trial.

Henry Publicover, one of the persons thus unfortunately wounded, died yesterday morning; and a Coroner's inquest being called, returned a verdict of "Wilful murder, by some person or persons unknown." The deceased was a native of Lunenburg, and a Lieutenant in the 23d battalion of N. S. militia.

A young man, a soldier, named Hart, was, in the April term of the Supreme Court at Halifax, tried and convicted of the murder of Henry Publicover, but obtained a pardon. It was said he was killed afterwards at Castine.

## (5.)

'A case containing twenty-one Paintings and fifty-two Prints, shipped on board the Marquis De Someruelos, by a Mr. J. A. Smith, as a present to the Academy of the Arts in Philadelphia, was, on the petition of the Hon. J. Black, restored by a Decree of the Judge of the Court of Vice Admiralty, a few days since, in a most liberal and handsome manner, with the "sincerest wishes for the success and prosperity" of that infant Society.'

## (6.)

The Spanish schooner Seraphina, from Cadiz for Baltimore, out 90 days, was fallen in with the schooner Young William, of New Brunswick, in great distress; had been robbed of her provisions by a French Privateer; after which the master and 5 of the crew had been killed and devoured. The owner, mate, and 4 seamen, were taken from the wreck, then in a sinking state, and brought here in the Young William, 15 March.

## (7.)

## Public Notice

Is hereby given, that the undermentioned SHIPS and VESSELS, with their CARGOES, will be sold at Auction, at Halifax, on Wednesday, the 7th day of April next, the sale to commence at 12 o'clock,

*(By Order of the Court of Vice Admiralty.)*

	Tons.	Cargo.
Ship FORTUNE, burthen	317	<i>Salt.</i>
MIRERVA,	256	<i>Salt and Coals.</i>
BOLIVA,	260	<i>Salt, &amp;c.</i>
HONESTUS,	300	<i>Salt.</i>
ORONOKO,	427	<i>Ballast.</i>
DIANA,	344	<i>do.</i>
MAGNET,	172	<i>do.</i>
FOUR SISTERS,	204	<i>do.</i>
CATHARINE,	281	<i>Privateer.</i>
EASTERN STAR,	217	<i>Ballast.</i>
DORIS,	202	<i>do.</i>



	Tons.	Cargo.
Ship DARIUS,	400	Cargo given up.
Brig MALCOM,	300	Wine.
JOHN,	164	Salt and Earthenware.
ALICIA,	120	
AMBITION,	139	No cargo.
CORDELIA,	197	do.
HESPER,	264	do.
GOSSAMER,	223	Privateer.
CURLEW,	300	do.
Schr. ROVER,	98	Coals and Earthenware.
LIVELY,	78	Sugar and Molasses.
BUNKER HILL,	175	Privateer.
SCIENCE,	74	do.
FRIENDSHIP,	98	Cotton.
HIRAM,	182	No cargo.
TRAVELLER,	78	do.
DOLPHIN, No. 1,	}	<i>Small Privateers.</i>
DOLPHIN, No. 2,		
REGULATOR,		
LEWIS,		
BUCKSKIN,		
WILY RENARD, &c.		

N. B.—There are many articles of Cargoes which have been transshipped, and some landed, the particulars of which, and conditions of sale, will be made known by applying at the office of

CHARLES S. HILL,  
*Dep. Marshal.*

Halifax, 19th March, 1813.

( 8. )

### All tight Lads,

Who are willing to serve his Majesty in that fast-sailing, excellent sea boat, the CANSO, of 12 guns, commanded by Lieut. CROKE, now fitting out for a short cruise, to protect the Trade of the British Provinces and pick up a few straggling American Bordeaux-men, will meet with an honest, hearty welcome, from a Sailor's Friend, by applying on board that vessel, at the Navy Yard. May 21.

### What should Sailors do on Shore,

While King, Country and Fortune point to the Ocean !—His Majesty's Schooner PICTOU, of 12 guns, commanded by Lieut. Stephens, as fine a vessel of her size as ever floated on salt water, wants a few jolly, spirited fellows to complete her complement for a short cruise, who may all fairly expect to dash in Coaches on their return, as well as other folks ! Apply on board, at the Navy Yard.

May 21, 1813.

(9.)

HALIFAX, Friday, November 19.

On Friday evening last, a most tremendous gale, or rather hurricane, from the South Eastern board, rushed up the harbor with such destructive violence, as has not been witnessed since the tornado which happened in September, '98.—The lapse of little more than one short hour left but few vessels at their anchors ; and of those, scarcely one that had not sustained material injury.

Its utmost fury being felt about dead low water, less damage was sustained by the wharves and stores than might otherwise have been expected ; but several shallops, &c. were sunk, and many others wrecked and torn by the sea.

From a list of more than one hundred vessels, which suffered by its violence, we give the following :—

H. M. S. San Domingo, Hogue, Maidstone ; brigs L'Epervier, Fantome, Manly,—and schr. Canso, were driven on shore ; but, excepting L'Epervier and Manly, have been got off again. Poictiers, Victorious, Nymphe, Tenedos, Success, Nemesis, Romulus, Morgiana ; brigs Arab, Anaconda, and schr. Shelburne, sustained considerable damage by vessels drifting foul of them ; the Barrossa, Centurion and Diadem, fortunately suffered but little.

The following merchant vessels, prizes, &c., were stranded ; but most of them have since been got off again, and are repairing :—

Ships Venus ; Republicain ; Thomas of Bristol ; Princess Mary ; Ned ; Catharina Patriota, polacre ; Juno ; Divina Pastora ; John ; Dick, transport ; Paris, barque ; Massachusetts ; Paragon ; Carlotta ; St. Cecilia ; General Palafox ; and a transport.

Brigs John & Mary, of Pool ; Atlantic ; Chistiana ; Mariner ; Ann ; St. Iago ; Terra Nova ; Nancy ; William ; Richard ; Friendship ; Astrea ; a brig from Miramichie, and another.

Schrs. Three Sisters ; Manby ; Royal Edward ; Friend's Adventure ; Betsey and Jane ; Paragon ; Halifax Packet ; Concord ; George ; Sally, of Nantucket ; Bernadotte ; Ferdinand ; Henry ; Rachel & Mary ; Four Sons ; Dove ; Mary. of Portland.

The following, though not driven on shore, sustained considerable injury, viz. : Hyena, store-ship ; Volante ; Carl Gustoff ; Active ; Star ; Resolution ; Adventure, transport. Brigs Dispatch ; Louisa ; Swift ; Lord Wellington ; Grace ; Hassen ; Susan ; Gamlalodusa ; Lapwing. Schrs. Henry ; Good Intent ; Porcupine ; Octavia ; Ann & Harriet ; Lady Delaval ; Liverpool Packet ; Perseverance.

Brig Bellona sunk, and four men were lost in her. Three Sisters, transport, totally lost ; sloop Henry, and a schooner laden with sugar, sunk ; 1 man lost ; sloop Elvira upset—her owner, Mr. Koch, and two men lost.

Several of the above had valuable cargoes on board, which must have sustained considerable damage ; and in some instances, a total loss.

The schooners Hannah, Terfrey ; Deborah, Baker ; Elizabeth, Nickerson, coasters—were, with their cargoes, totally lost at Prospect. Schooners Eliza, Hilton ; Prudence, Goudie ; were driven on shore in that harbor, but have since got off.

A copper-bottomed ship, and a brig with a red ochre bottom, are said to have been seen overset off the harbor.

The gale, though severe, does not appear to have been felt with all its fury on the coasts either to the Eastward or Westward of the harbor.

Capt. Garrison, of the Susan, a worthy and spirited young man, fell from the wharf, while exerting himself for the preservation of his vessel, and perished in the breakers. A poor young woman was dashed from a shallop, and her corpse driven upon George's Island. Several seamen belonging to his Majesty's ships, &c., lost their lives; and others were severely bruised and hurt. Indeed, the effects of this dreadful blast were most severely felt, and will be long remembered.

*Extract of a letter from Liverpool, N. S.*

"On the evening of Friday, the 12th inst., the Spanish schooner Donna Anna, with a cargo of flour, bound for Halifax, being nearly overset by the violence of the gale, the seamen cut away the weather shrouds and the masts went over the side. The vessel soon after struck on a ledge of rocks, unhung the rudder, and then drove off again. Of ten persons on board, seven perished, viz., the owner, Mr. J. Howe, an inhabitant of Porto Rico, the master, four seamen, and a boy. The three survivors were taken from the wreck on Tuesday, the 16th, near Little Hope Island, by the schooner Union, Reynolds; they were much emaciated, having been lashed to the bowsprit four days without food, and were taken by Capt. R. into Port Mouton, where they met with the kindest reception at the house of Mr. G. Stewart, and received every attention from Dr. Croker."

H. M. S. Atalanta, Capt. Hickey, which ship most unfortunately struck upon the rocks called The Sisters, near the light-house, about 8 o'clock, on Wednesday morning, and went to pieces in a few minutes. Happily, by the great exertions of the captain and officers, the crew and prisoners were saved in the boats, &c. The Atalanta was from off New London.

( 10. )

EXAMINATION OF ELISHA GUNNISON, CARPENTER OF THE LATE AMERICAN  
PRIVATEER YOUNG TEAZER.

(Taken at Lunenburg 28 June, 1813, before Francis Rudolf and John Creighton, esquires.)

'The said Elisha Gunnison deposes,—that on the 27 June. being nearly off ' Lunenburg, saw a sail to windward. All hands were called to make sail, and ' out sweeps.—At 2, P. M., discovered another sail to leeward.—At 4, P. M., both ' vessels took the wind, landlocked and compelled us to run into Mahone bay. ' The sail which appeared to leeward of us proved to be H. M. S. La Hogue, ' (74), ' which chased us into the mouth of the bay, and came to an anchor, ' and immediately manned and sent her boats after us, the LaHogue's boats ' being nearly three miles off. It is supposed that the Teazer was blown up ' intentionally by some of the crew. The explosion was great and destructive. ' Out of 36 men which were then on board, 8 only were saved, including this ' deponent, two of whom were much hurt, - all were thrown into the water, and '

‘ one of them with difficulty reached the boat astern, cut the painter, and picked ’  
‘ up the surviving seven,—and immediately rowed the boat ashore, and surren- ’  
‘ dered themselves to one Martin Rafuse, residing on Anshultz island, in Mahone ’  
‘ bay aforesaid, who brought and delivered them at Lunenburg. Their names are ’  
‘ as follows, viz., John Michel, John Carlo, Richard Van Vost, Joen Pleo, Lewis ’  
‘ D. Mott, Charles Wheatman, John Cahoon.’ The 8 survivors were soon after  
brought to Halifax. It was asserted in the United States that one Johnson, who  
was in the Teazer, had been a prisoner with the English, and had broken his  
parole, and he was supposed to have blown her up.

## ( 11. )

[Extracted from official list of exports for the year 1813.]

## PORT OF HALIFAX.

Vessels, 412 ; tons, 54,457 ; men, 2868.

Boards and plank, 1,881,722 feet.

Staves, 232,562.

Dry fish, 82,059 quintals.

Pickled fish—tierces, 408 ; barrels, 29,829.

Smoked herrings—barrels, 142 ; boxes, 6425.

Fish oil, 49,668 gallons.



## CHAPTER XXVIII.

1814. The house of commons voted £13,440 sterling for civil establishment of Nova Scotia for 1814. Thursday, 10th February, the assembly met, (10th assembly, 4th session.) His excellency congratulated them on the victories which Great Britain and her allies had gained in Europe, and on the late successes of Canada in repelling the American forces. He says the invaders 'have not only been repelled from' 'those provinces by inferior numbers, but the British flag' 'now flies triumphantly on the fort of Niagara, and the Ame-' 'rican frontier is at the mercy of the conquerors.' He mentions proposals made by Great Britain to the United States for negotiations, but recommends preparation for war.— 11 Feb'y. Samuel Sheldon Poole, returned for Yarmouth in place of Samuel Marshall, deceased, was sworn in. 15 Feb'y. In the report of a committee, it is stated that Moose island, Dudley island and Frederick island, in Passamaquoddy bay as part of the old province of Nova Scotia, are British territory—that they had been 'taken possession of by the govern-' 'ment of the United States.' Though belonging now to New Brunswick, they are of importance to Nova Scotia, as having become the centre point of the plaister of Paris trade.— 21 Feb'y. By the public account which appears on the journal of the house, the revenue had greatly augmented, owing to the large naval force here and the prizes brought in. The amount for 1813 was £78,916 13s. 9d. The outlay for the year, £114,553 3s. 10d.,—leaving a balance of debt against the province of £35,636 10s. 1d. In this was comprised a loan

of £5000, and £23,129 10s. od. amount of province notes in circulation. 24. A petition from the society which had founded the Acadian school, for money aid, states that the petitioners had established by subscription 'a school for the education of children of both sexes and all denominations.' By the lieutenant governor's permission, they had converted the theatre into a temporary school. (This had been military land, one part occupied by a guard-house, the rest by a play-house, fitted up under the auspices of H. R. H. the duke of Kent. The drop scene was a view of the prince's lodge. The Acadian school, a stone building, stands on the same site.) They had then 385 children in the place under instruction, under a master at £200 salary, and a mistress at £50. Among the pupils were 37 black children. 28 Feb'y. Parliament having voted £3000 to build a house at Halifax for the residence of the naval commander-in-chief, the lieutenant governor, by message, recommended the house to give a further sum, as by rise of prices of material, &c., the grant was quite inadequate to the purpose. £1500 was accordingly voted by the assembly. 5 March. His excellency recommended, by message, an increase of salary petitioned for by the assistant justices of the Supreme court, and an increase of the treasurer's salary. A joint address of both council and assembly to the Prince Regent was now passed, which calls the treaty of 1783 improvident in respect to boundary and fisheries—praying for protection—the exclusion of the Americans from our fisheries and from the trade to the British West Indies, and the encouragement of emigration to the British North American colonies. Monday, 14 March. The council agreed to 116 resolutions of the house granting money for roads and bridges, amounting to £15,055, in sums from £10 to £800. Jacob Van Buskirk, member for Shelburne county, was sworn in. 19 March. Colin Campbell, member for township of Shelburne, was sworn in. 23 March. Among votes agreed to by the council, £100 to each of the assistant judges Supreme court, and £100 to the treasurer; £100 to Mr. Sabatier, for his exertions respecting our commercial interests; £200 to the Acadian school trustees; £150 for a survey of the Shubenacadie river and lakes

from the head of the tide to Bedford basin. 24 March. £2500 was voted to aid the inhabitants of Upper Canada, who had been distressed by the war. Monday, 28 March, the assembly was prorogued.

In March, the U. S. frigate *Essex* was taken in the bay of Valparaiso by a British frigate the *Phœbe*, and the *Cherub*, sloop of war. In April, the British brig *Epervier* surrendered to the American ship the *Peacock*. On land, the British were not inactive. 6 May. Lieut. general Drummond sent companies of deWatteville's regiment, one of the Glengarry regiments, with some Royal artillery and the 2d battalion marines, with Sir J. L. Yeo, in the *Prince Regent*, to Oswego. The garrison, consisting of 400 artillery and many militia, fled precipitately, and the fort and barracks were destroyed. The enemy lost 100 killed and 60 prisoners; 9 guns were taken and 2 destroyed. Our loss was 15 killed and 53 wounded; one officer killed and 5 wounded. Next day the English withdrew to Kingston.

Saturday, May 21. The *Express*, packet, 29 days from Falmouth, arrived at Halifax. She brought news of the entry of the allied sovereigns into Paris—the abdication of Napoleon, and restoration of the Bourbons. On Monday evening the troops and militia celebrated these events on the parade, and the town was illuminated. At Pictou, on the 26 May, a salute was fired from the battery, (of 21 guns.) In the evening the town was illuminated and bonfires on the surrounding heights were kindled, in consequence of this intelligence. At St. John, N. B., on Monday, 23rd, an ox was roasted entire in King's square, and the city was illuminated.

The downfall of Napoleon now relieved England from the tremendous strain on her energies that had affected her in a greater or less degree since 1792, and it enabled her to prosecute the war with the United States more vigorously than she had yet done. British troops were sent direct from Bourdeaux to Quebec. Fifteen hundred men of the 6th and 82d regts. arrived there on Sunday, 28 June; and 20 battalions of the English forces in France had orders to embark for North America. The new government of France had been esta-

bled, and the treaty of peace between the Prince Regent and Louis 18 signed at Paris on 30 May. The 8th clause restored to France all the colonies, fisheries, &c., which she possessed in 1792, except St. Lucia, Tobago, and the isle of France. 5 July, 260 British prisoners arrived here in a cartel from Salem. 5 July, American privateer Snap Dragon, arrived, 6 guns and 70 men, captured by H. M. S. Martin near Sambro light-house. 13 July, U. S. brig Rattlesnake, pierced for eighteen guns, (which she had thrown over previously when chased in the bay of Biscay by British frigates), and 130 men, prize to H. M. S. Leander, having been captured near Shelburne. In an address of compliment and respect, dated 6 July, from the council of New Brunswick to major general Sir Thomas Saumarez, late president of that province, they say: 'The unsettled state of the government in New' 'Brunswick has long been a subject of general regret in the' 'province, where the changes of president have occurred no' 'less than nine times in the course of seven years.' 15 July, 80 British prisoners arrived in a cartel from Salem. British forces from Bermuda, (being the 102d regiment in transports, with the Ramilies, 74, captain Sir T. M. Hardy, and a party from Halifax), rendezvoused at Shelburne, and proceeded to Moose island, in Passamaquoddy bay, where they took possession of Fort Sullivan by capitulation on the 11 July. Eastport, Machias, and all that vicinity, fell also into the hands of the British forces. Lieut. colonel Pilkington, deputy adjutant general, was commander of this expedition; and colonel Nicolls, R. E., was with him. Large reinforcements were now sent from Europe to the British forces in Canada, and on the frontiers of both the Upper and Lower provinces various movements occurred, of little magnitude. Towards the end of July, however, an engagement took place at Lundy's lane, of some importance. An American force of about 6000 men crossed the Niagara river 3d July, and moved into Canada. Fort Erie, with its garrison of 170 men, surrendered to this army. Major general Riall advanced to meet them from Chipawa, with 1500 regulars, besides militia and Indians, but had to retire, after great loss. One third of the force he led



are said to have been killed, wounded or prisoners. Riall retreated to a position near fort Niagara, while the American army took post at Chipawa. Reinforcements were sent to Riall, and general Drummond joined him, taking the command. Riall was wounded and made prisoner. The battle was very severe, enduring from 6, P. M., to midnight, when the Americans withdrew from the combat, (which occurred on the 25 July.) Next day they abandoned their camp, and continued their retreat to Fort Erie, throwing much of their baggage, &c., into the rapids. The English lost 84 killed, 559 wounded, 193 missing, and 42 prisoners,—in all, 878 men. Aug't. 15. The British, under lieutenant general Drummond, attacked fort Erie, but were repulsed, with heavy loss. The killed, wounded and missing on our side exceeded 900. Of these, the killed were, 4 officers, viz., a colonel, a lieut. colonel, a captain and a lieutenant—1 serjeant; 1 drummer, and 51 private men. This night attack was almost successful, when an explosion defeated it, destroying and disabling the assailants.

A large naval force, under vice admiral Sir Alex. Cochrane, K. B., and a large body of troops commanded by major-general Robert Ross, went to Chesapeake bay early in August. They found rear admiral Cockburn there before them, and on the 17th were joined by rear admiral Malcolm, with an expedition from Bermuda. Commodore Barney had commanded the Baltimore flotilla up the Patuxent. The army landed on the 19 August, and on 24th, after a short conflict with about nine thousand men, under general Winder, captured Washington, where they destroyed all the public buildings by fire, comprising the capitol, president's mansion, and a bridge over the Potomac, an act for which they were blamed by many. After this the troops re-embarked, but landed again. 12 Sept'r., the army moved on Baltimore. In this attack general Ross was slain. After some skirmishing, the intention of taking that place was abandoned. In September, Sir John Sherbrooke and rear admiral Griffith sailed with an expedition, (consisting of H. M. S. S. Dragon, 74, Endymion, 40, Bacchante, —, Sylph, 18, and a number of transports, with the 29th, 62d and 98th regiments, two companies of the 60th, and detachments

of Royal artillery and Engineers), from Halifax to Castine, a fort on a peninsula on the East side of the Penobscot, near its entrance. The American officer refused to surrender when called upon, but before the English troops could land he blew up his magazine and escaped, so it was taken without opposition. The Adams, U. S. man-of-war, was destroyed to prevent the English taking her.

Carpenters, masons, &c., being wanted to erect a naval hospital at Bermuda, offers were published of 400 dollars a year, with board and lodging, passage furnished there and back, and wives provided for, to such mechanics as would go there.

On the 1st September, the governor general of Canada, Sir George Prevost, entered the state of New York at the head of about 14,000 or 15,000 men, and occupied the village of Champlain, near the lake of the same name. Many of the veterans who had served under Wellington were in this number. The British advanced by slow marches towards Plattsburg, a fortified place on lake Champlain, garrisoned by 1500 American troops, and 1000 militia and volunteers as auxiliaries, under general Macomb. On the 6th, Sir George's army had got within a mile of Plattsburg. Several days were spent in bringing on a battering train and making approaches. The British squadron on the lake, commanded by captain Downie, was ordered to come into Plattsburg bay, and engage the American flotilla lying there, while the land troops besieged the fort. On the 21st, Downie got there, and at 9, A. M., the fight began. Downie was killed in the beginning of the action, and after a severe contest of two hours duration, his vessels, viz., a frigate, a brig, and two sloops, surrendered to the American commodore, McDonough, who had a force of about the same number and kind of vessels; the English loss being 84 killed and 110 wounded; the American, 49 killed and 57 wounded. On land, the firing against the fort from the English batteries began at the same time with the engagement on the water, and the British attempted to cross the Saranac at three different points simultaneously, to assault the works of Plattsburg, which were on an elevated ridge of land on the

South side of the Saranac, crowned with three strong redoubts and other field works, and block-houses armed with heavy ordnance. Scarcely had the English forced a passage across the river and ascended the height on which their opponents were fortified, when the garrison on their works shouted on perceiving the British flag hauled down in the two chief vessels of our flotilla, and the gun boats attached to it seeking safety in flight. On this, Sir George Prevost conceived the object of his expedition lost, and the case desperate, deeming the co-operation of shipping essential to his aims, and as he states the success of the assault would not have compensated for the loss it must have been attended with. In this opinion he arrested the course of the assailants, (about 6 battalions of regulars), who were of the 27, 76, 3, 5, 27 and 58th regiments. The cannonading did not cease until sunset, by which time 7 batteries were silenced, and the British troops withdrew. The same night Sir George retreated with his whole army towards Canada, leaving many wounded behind, and provision, shell, shot and ammunition in quantity. By general Macomb's despatches, the British, in their retreat, lost hundreds of men by desertion. The return of losses to the land force, sent by Sir G. Prevost, makes only 250 from 6 to 14 September, but this is supposed not to have included deserters. Sir James Lucas Yeo alleged that captain Downie was urged and his ship hurried into action unprepared, and was of opinion that the bringing the English vessels into Plattsburg bay was unnecessary, and that if they had been victors it would not have in the least assisted the besiegers, while the capture of the forts would have compelled McDonough's vessels to quit the bay, and give ours a fair chance. The unhappy termination of this affair was of course deeply mortifying to our nation, and especially the military portion of it. Many blamed the governor general—others justified him, as saving Canada by prudence.

On the 24 November, H. M. S. *Fantome*, 18, captain Sykes, with a transport brig and two schooners with lumber, struck on some reefs near Prospect. The *Fantome* and one of the schooners soon went to pieces ; the other schooner was bilged.

She had brought on these and some others as their convoy from Castine. One vessel got on shore upon Thrum cap, near the mouth of Halifax harbor. No lives were lost.

In the autumn of this year, the small pox prevailed in an alarming manner at the then small village of Dartmouth, opposite Halifax. Sir John Sherbrooke induced Mr. Seth Coleman to vaccinate all the poor persons in Dartmouth, and throughout the township of Preston adjoining. He treated over 400 cases, with great success. Mr. Coleman was one of the 'Friends' commonly called Quakers, who came here to set up the whale fishery, and was one of a very few of their number who remained in the province. He was a model of piety, industry and genuine philanthropy.

On the 1 September, H. M. brig Jaseur, captain Watt, and a transport, arrived at Halifax, in ten days from Chesapeake bay, bringing several hundred negroes.

## APPENDIX TO CHAPTER XXVIII.

### ( 1. )

#### NOVA-SCOTIA. ESTIMATE. {PARLIAMENTARY GRANT.}

Salary of the lieutenant governor,	£200
“ chief justice,	850
“ attorney general,	150
“ secretary, registrar, and clerk of the council,	250
“ Naval officer,	100
“ surveyor general of lands,	150
“ treasurer,	50
Allowance to a bishop,	1000
“ bishop's commissary,	150
“ prothonotary,	100
“ minister of the church of Scotland at Halifax,	75
Superintendent of fisheries,	200
Mrs. Cottnam's annuity, continued to her daughter,	100
Allowance to the widow and daughter of Dr. Cox,	100
“ Sir J. Wentworth, late lieutenant governor,	600
Agent,	200
For a vessel in the service of the superintendent of fisheries,	2400



To the society for the propagation of the gospel in foreign parts, in aid of the expenses of the society in Nova Scotia,	}	3600
To the governors of King's college, for the expences of that institution,		
Allowance on account of fees for receipt and audit,		365
		<hr/> £13440
(Vote for the year 1814.)		

## (2.)

Married, at Annapolis, on the 29th January, by the Rev. Cyrus Perkins, Doctor William Bruce Almon, to Laleah, youngest daughter of the late William Johnston, esquire, of the island of Jamaica.

Married, on Saturday evening, 7 May, at Government House, by the Rev. Dr. Stanser, the Hon. Philip Wodehouse, Commissioner of His Majesty's Naval Yard at this port, to Mary Hay, second daughter of Charles Cameron, esquire, governor of the Bahamas.

Married, on the 16th April, at the Castle of St. Louis, Quebec, by the Right Rev. Bishop Mountain, Lieut. Colonel Christopher Myers, Deputy Quarter Master General of Upper Canada, to Lydia Matilda, fifth daughter of the late Michael Head, esquire, of this town.

Married, at Montreal, by the Rev. Dr. Mountain, May 21st, C. W. Grant, seigneur of the barony of Longeuil, to Caroline, daughter of General Coffin, of New Brunswick.

Died, at Annapolis Royal, on the 4th February, Mr. Frederick Davoue, aged 87. He has resided in this province since the close of the last American War.

Died, at St. John, N. B., March, 12, in the 80th year of his age, the Reverend Mather Byles, D. D., late Rector of the city and Chaplain of the district.

Died, in the gallant action, near Chippawa, on the 5th July, Captain Charles Bailey, 1st Regt. or Royal Scots, eldest son of the late Rev. Jacob Bailey, of Annapolis Royal.

Died, at Bombay, 29 June, in the 31st year of his age, John Collier Solomon, lieut. of Engineers of Hon. East India Company, eldest son of captain Solomon, of Halifax, and nephew of colonel Cook.

Died, at Lunenburg, 12th August, D. C. Jessen, esquire, in his 85th year, one the first settlers.

Died, Saturday evening, 5 November, in the 81st year of his age, Mr. Adam De Chezeau.

Died, October 14, while on a visit at Tealing, near Dundee, William Forsyth, esquire, of Greenock, aged 65 years, late a member of his Majesty's council of this province, and for thirty years a principal partner of a mercantile house in Scotland and in this town.—“*Mark the perfect Man and behold the Upright.*”

## (3.)

April 4.

## THE BRITISH NAVY.

There are now in commission 727 ships of war, of which 157 are of the line, 24 from 50 to 44 guns, 145 frigates, 124 sloops of war, 8 bombs and fire ships,

184 armed brigs, 39 cutters, 49 schooners and luggers. Besides which, there are in ordinary, repairing and building, a number, which makes the grand total 1022 ships, of which 250 are of the line.

LIVERPOOL, May 24.—Arrived, privateer Shannon ; has taken five prizes. Brought in with her sloop Ann, from Eastport for Boston, cargo tin, hardware, &c. 25th, arrived, a schooner and a sloop, prizes to the Shannon, with fish, lumber, gin ; sloop Eclipse, prize to Liverpool packet, cargo beef, cheese, and other provisions ; sloop Lark, from Halifax, with the glorious news of the downfall of the Tyrant Bonaparte. 27th. This day the colors were displayed by the fort and shipping ; Royal salutes were discharged at 12 and 1 o'clock ; and in the evening the town was brilliantly illuminated.

LIVERPOOL, June 23.—Privateer Retaliation brought in schooner Armistice, from Boston for Eastport, with a cargo worth £3000. Had also ordered a sloop in ; and put a pilot on board a jebacco boat, taken by the Bulwark. Arrived, schooner Friends, prize to the Shannon. A prize to the Liverpool Packet, with 450 barrels flour, is cast away on Cape Forchu ; cargo saved. Two prizes are in at Barrington.

### Notice.

The inhabitants of Halifax and its vicinity, having either American or French Prisoners of War in their employment, are hereby required and requested to send them to the Prison at Melville Island, on Monday next, the 21st inst., for the purpose of attending a general Muster.

No excuses will be admitted for non-attendance.

WM. MILLER,

Agent for Prisoners of War.

Transport Office, Halifax, 13th Feb'y., 1814.

(4.)

Halifax, Friday, June 17.

His Royal Highness the Prince Regent has been pleased to appoint Rupert Denis George, esquire, Secretary, Registrar, and Clerk of His Majesty's Council, in this Province ; and on Monday last he took the usual Oaths and subscribed the declaration.

### MILITIA GENERAL ORDERS.

Head Quarters, Halifax, 11th July, 1814.

His Excellency the Commander-in-Chief is pleased to appoint Rupert Denis George, esquire, to be one of his Provincial Aides-de-Camp, with the rank of Lieutenant Colonel in the Militia.—Commission dated this day.

(Signed)

J. BECKWITH,  
Adj't. Gen. Militia.

His Royal Highness the Prince Regent has been pleased to appoint Richard John Uniacke, esquire, the younger, to be his Majesty's Attorney General for the Island of Cape Breton.

(5.)

## WELLINGTON CLUB,

Tuesday next the 30th instant, at the Rockingham. Dinner precisely at half-past four o'clock. August 26.

(6.)

Halifax, Friday, Sept'r. 2, (1814.)

CUSTOM-HOUSE—ENTERED, ships Hannah, Fenwick, Quebec ; Halifax Packet, Rickards, Liverpool, Eng. Brigs North Star, Roxby, Martinique ; Resolution, Kenny, St. John ; Brothers, Burwash, Newfld. ; Sykes, Marwood, Newcastle ; Friends, Clements, Cork. Schrs. Mary, Burroughs, Martinique ; Margaret, Bowden, Miramichie ; Nelson, ditto ; Rising Sun, Conrad, ditto ; Springbird, Vigneaux, Bay Chaleur ; Columbia, Seely, St. Andrews ; Lapwing, McPherson, St. John's ; Lively, Frost, Restigouche ; Prosperity, Cook, Newfoundland. Sloops Olive, Baker, St. Andrews ; Mary, Stephens, Miramichie ; Jane, Gosby, Magdalen Islands.

CLEARED, brig Sherbrooke, Cocken, Bermuda. Schrs. Prudence, Cleary, Quebec ; Friends, Rider, St. Andrews ; Speedwell, Cook, ditto ; Victory, Clements, ditto ; King George, Dunham, ditto ; Three Brothers, Fountain, ditto.

ARRIVED—*Friday*, Pylades sloop of war, from Bermuda, and two transports, with part of 21st and 62d Regts. *Saturday*, schr. Providence, 54 days from Bermuda ; brig Christian Henrique, from Newport, ordered off by one of H. M. cruisers. *Sunday*, St. Lawrence schooner, Lt-Boyd, from Canso. *Wednesday*, brig Commerce, Tait, 16 days from Quebec ; priv. brig Ida, 10 guns, (pierced for 18), 65 men when captured, on banks of Newfoundland, by H. M. S. Newcastle. *Yesterday*, schr. Joseph & Polly, 8 days from St. Andrews ; H.M. brig Jaseur, capt. Watt, and a transport, 10 days from Chesapeake, with several hundred negroes. Schr. Eliza Ann, Trask, 10 days from St. John, Newfld. ; H. M. brig Dotterel, 30 days from New Providence. A Portuguese ship from St. Salvador for New London, det. by Saturn, cargo tea, sugar, &c.

SAILED, *Saturday*, Princess Mary Packet, capt. Pecoek, for Falmouth. *Sunday*, H. M. S. Dasher, on a cruise. *Tuesday*, Pylades, for Bay Fundy. *This day*, Furieuse, to join the Expedition.

Halifax, Friday, Sept'r. 23.

ARRIVED, *Friday last*, H. M. S. Newcastle, Capt. Lord G. Stewart, and Clinker brig, Capt. Tullidge, with several vessels under convoy from Cork, &c. *Sunday*, H. M. S. Endymion, Pylades and Sylph, from Penobscot ; Espoir, from Chesapeake ; Saracen and Pioneer, from Newfld. *Monday*, H. M. brig Nimrod, from Nantucket. *Tuesday*, schr. Alban, from a cruise ; American Cartel Analostan, with captain Wales, surviving officers and crew of H. M. late brig Epervier ; schr. Maria, prize to Nimrod. *Yesterday*, H. M. brig Recruit, with two transports, a brig, schr. Eclipse, from Madeira, and several small vessels, with tobacco, flour, &c., under her convoy, from Chesapeake ; H. M. schr. Canso, 2 days from Castine, Penobscot ; Am. letter of marque schr. Dædalus, from St. Domingo for New York, cargo, coffee—captured on Sunday last, by H. M. S. Niemen.

H. M. S. Dauntless, and three square-rigged vessels, are reported in the offing—the Dauntless is from Labaador.

(7.)

*Extract from newspaper of Sept'r. 23. 1814.*

The public prints give but a very imperfect account of our late disaster at Fort Erie. The following, written by an officer who was in the affair, may be depended on :

"The Fort was assailed by storm two hours before daylight, on the morning of the 15th inst. The 8th regiment, with De Watteville's regiment and two companies of the 89th, attacked the enemy's position at Snake Hill ; and the 103d, one company of the Royals, two companies of the 41st, and two companies of the 104th, attacked the fort. But, unfortunately, the 8th and DeWatteville's regiment failed in their attempt, and the whole brunt of the business fell on the other division.

"By means of scaling ladders, the latter got into the Fort and took possession of the guns ; both of which it kept for an hour and a half, under a most tremendous fire of grape and musquetry, from a stone building in the Fort, which the enemy had made into a block house. The enemy had likewise a force intrenched strongly on the outside of the Fort, who, finding they could not drive our troops from their position, laid the plan of blowing them up, which they effectually did by springing a mine.

"Our loss was immense ; our brave fellows were obliged to quit the Fort, when the enemy brought their force round on the two flanks, with field pieces, and completely out-flanked them. The remainder of the division were obliged to retreat with precipitation.

"Thus ended this sanguinary affair, in which we have to bewail the loss of many brave men."

*Return of killed, wounded and missing of the Right Division, in the assault of Fort Erie, on the 15th August, 1814 :*

KILLED—I colonel, 1 lieutenant-colonel, 1 captain, 1 lieutenant, 1 serjeant, 1 drummer, 51 rank and file.

WOUNDED—I major, 9 captains, 11 lieutenants, 2 ensigns, 1 master, 20 serjeants, 3 drummers, 262 rank and file.

MISSING—2 captains, 3 lieutenants, 2 ensigns, 1 adjutant, 1 midshipman, 41 serjeants, 3 drummers, 486 rank and file.

TOTAL—I colonel, 1 lieutenant-colonel, 1 major, 12 captains, 15 lieutenants, 4 ensigns, 1 adjutant, 1 master, 1 midshipman, 62 serjeants, 7 drummers, 799 rank and file.

#### OFFICERS KILLED.

1st or Royal Scots—Captain Torrens.

8th or King's regiment—Lieut. Noel.

102d regiment—Colonel Scott.

104th regiment—Lieut.-Colonel Drummond.

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*Extract of a letter from Castine, Penobscot, September 9.*

"I shall not trouble you with an account of our voyage. Our Flank Companies have just returned from Hampden, a small town about 30 miles from this ;



at which place the enemy's ship the Adams, and several valuable merchant vessels, lay secure, as they thought. Hearing of our advance, they blew up the Adams, after taking out all her guns ; with which they erected a very strong battery on a wharf, commanding the river, and another battery on the Hill directly above it ;—in both, there were upwards of 30 pieces of cannon and more than 2000 men, pouring grape and canister shot upon our brave fellows, who only waited to give them a few volleys, then charged—and the Yankees ran in every direction. Our loss is but small—1 soldier and 1 sailor killed ; 1 captain and 5 or 6 soldiers wounded.

“ The Battalion Companies of the 29th Regt. have gone, under col. Pilkington, to Machias.

“ Among the prisoners we took a general Blake, who commanded the fort on the hill at Hampden ; but captain Morris, of the Adams, made his escape.”

( 8. )

Halifax, September 30, 1814.

The bodies of the gallant major-general Ross and captain Sir Peter Parker, late of H. M. S. Menelaus, were brought here in the Tonnant : and yesterday, the corpse of the former was landed, under a discharge of half-minute guns. from the Flag-ship ; received at the King's wharf by the Grenadier Company of the 64th Regt., and interred with all those military honors and marks of high respect due to his rank and distinguished services.

( 9. )

Halifax, friday, October 14, 1814.

Newfoundland papers to the 22d ult. mention the capture of eleven vessels, by the American privateer schooner Surprize ; five of them on the 6th and 7th September, viz. : Schr. Regent, from Quebec for Burin, in ballast, sunk ; ships Argo, from Cork for Quebec, sent for U. States ; Doris, Cork, for Pictou, in ballast, sunk ; brigs Lively, Miramichie for England, with timber, burnt ; Wellington, Ferguson, S. Shields for Pictou, given up, and sent to St. John's with the prisoners. Sept'r. 8, the privateer was left in chase of two large merchant ships, and three others hove in sight, which it was thought she might capture. The ship Young William was taken by her on the 9th, and re-taken same day by the Plover sloop of war, capt. Skelkel, who gave chase to the privateer. The brig Vittoria, from Oporto, taken August 9, was re-taken August 31st, by Plantagenet. Brig Concord, captured Sept'r. 14, by priv. Fox, 9 guns. 90 men—given up, and arrived at St. John with crew of ship Stranger, from London for Quebec, with sixty-six pieces of heavy ordnance, and an immense quantity of stores of every description, sent to the U. States. Brigs Kingston Packet, from Halifax, for Jamaica, sent for ditto ; Susan & Jane, from Newfoundland for Sydney, burnt ; Schooner Retrieve, from ditto, for Martinique, ditto ; Ann & Lucretia, prize, from Chesapeake for Halifax, burnt.

( 10. )

*Extract of a letter from Canada, dated 29th October, 1814.*

“ Much blame is still imputed to Sir George Prevost for not having maintained his ground at Plattsburg ; and there are some here who think he might and ought

to have attempted a further advance into the country—that he ought to have assailed the fort, and endeavored to gain possession of the army by which it was defended. The answer to these cavils is simply this : There is no mode or possibility of advancing by land further than Plattsburg, along Lake Champlain ; nor would it be wise to do so (even tho' practicable) without having the command of the Lake, since the communications would be liable to be cut off. From Plattsburg every road to Sackett's Harbour, or elsewhere, is impassable for an Army that has not complete possession, not only of the soil, but of its resources. If, therefore, Sir George had remained at Plattsburg, what would he have gained ? He might, indeed, have taken the Fort ; but no one advantage could have resulted from it. It was said that the guns of the fort might have assisted our fleet by playing on the enemy's ; but not a gun of the fort could have touched either fleet. By storming it, many valuable lives (as is acknowledged on all hands) would have been lost, and *cui bono* ? The greater part of the enemy's army could in the worst event have escaped ; and there we should have been, possessing, indeed, the fort of Plattsburg, but losing by the possession. The desertions, that, as it was, were numerous, would then naturally have been far greater ; the circumstances of the country rendered an advance *impossible*. The circumstances of the season would, in a day or two, have rendered it equally impossible to retreat with our heavy cannon ; which, even as it was, we had the greatest difficulty in bringing away. The militia of the country were rising *en masse*, and tho' inefficient in battle, they are most efficient in a harrassing warfare, in interrupting communications. It may then be asked, why did Sir George Prevost defer his advance into the enemy's country until so late a period of the year ? I answer, that the troops and supplies sent him by His Majesty's Government did not reach him in time to permit an earlier movement, and that in particular the horses belonging to the artillery (and indispensable to their movement) did not arrive until almost the last moment, altho' they were hurried away from Quebec before they were fit to be put to immediate service. Besides which, the forward movement depended, not only on its progress, but in its commencement, on the state of the fleet ; and it is a fact that the new ship taken from us was only *launched* about the time that our troops began to advance. But from this plea it may be concluded, that the fleet was hurried into action before it was ready. This can not have been the case—the Naval Commanders are now, on both Lakes, independent of the Military—they are sole judges of what is necessary and expedient on their element, and if they are overruled it is their own fault, and the blame must still lie with them.

## CHAPTER XXIX.

1815. The year 1815 is memorable as closing the series of hostilities that had distressed all the nations of the world for so many years, and which sprung out of the French revolution. The United States had made a treaty of peace with England, executed at Ghent 24 December, 1815. It was received and published at Washington 18 February, 1815, and a copy of it appeared in a Halifax paper of 3 March. Although the war in Europe had ceased, that between England and the U. States still went on during the last months of 1814. The war originated with the party in the United States called democrats, of whom Jefferson and Madison were the chiefs. The federals proposed to follow the policy of Washington and Adams, and were adverse to it. Their ascendancy in New England, and the commercial character of that part of the union, made the war unpopular there. In October, 1814, the legislature of Massachusetts resolved that a convention of delegates should be held on public grievances. 15 December, delegates from Massachusetts, Rhode island, Connecticut, &c., met at Hartford, and after three weeks' deliberation, reported certain amendments to the constitution of the United States, which they proposed for adoption, and stated many infringements of the reserved rights of the separate States, that had taken place on the part of the president and congress in the conduct of the war.

Early in December, a British fleet and army proceeded towards the mouth of the Mississippi. Sir Edward Pakenham

landed with about 15,000 troops. On 8 January, 1815, they attacked the Americans, about 12,000 in number, who were intrenched near New Orleans. They were repulsed with terrible loss. General Pakenham was killed—major-generals Keane and Gibbs wounded,—the latter mortally. The American official account states the English loss at 700 killed, 1400 wounded, and 500 prisoners,—total, 2600. The English report was, at first, that the loss on this occasion to our forces was 1500 in all, killed, wounded and missing, and this was general Jackson's own estimate. The English official account returns 291 killed, 1267 wounded, 484 missing,—total, 2042. The American loss is stated by general Jackson as only seven killed and six wounded in this affair on the 8th.

On 15 January, the U. S. ship *President*, commodore Decatur, was captured by the British squadron off Sandy hook, after a severe engagement between the *President* and *H. M. S. Endymion*.—In the treaty of Ghent, all territory captured was to be restored. By article 4, the disputed title of Grand Manan, and of the islands in Passamaquoddy bay, under the treaty of 1783, were to be settled by one commissioner on each side, who were to meet at St. Andrew's, N. B. If required, the decision of some friendly sovereign or state was to be resorted to as a final court of appeal. Article 5 provided for the settling and marking the boundaries from the source of the river St. Croix, at the N. W. angle of Nova Scotia, to the river Iroquois or Cataraguy. Commissioners (or, on their disagreeing, some friendly power as referee) were to adjust this line. Articles 6, 7 and 8 provided for fixing the line of boundaries passing through the great lakes of Canada and on to the lake of the woods, so as to settle the title to the islands, &c. This was also to be done by commissioners. Article 9 provided for the termination of all Indian hostility on both sides. Article 10 contained an engagement from both powers to endeavor for the suppression of the slave trade. No mention is made of the fisheries in North America in this document.

Thursday, 9 February, the assembly met, (tenth general assembly, fifth session.) His excellency mentioned the establishment of peace in Europe, and the negotiation at Ghent



for terminating the war with America,—‘the many blessings’ ‘this favored province has enjoyed during the long and arduous contest in which our mother country had been engaged’ ‘for the freedom of Europe,’ and ‘the miseries inflicted on’ ‘Upper Canada by the system of desolation pursued there’ ‘by the enemy.’ He tells the assembly that no events had occurred since they last met, to render necessary the calling out the militia, ‘excepting a few small detachments for the’ ‘defence of some of the most exposed parts of the coast in’ ‘their own immediate neighborhood,’—that our commerce had flourished and the provincial revenue increased beyond his most sanguine expectations. He recommended to their attention the main roads and bridges, and the present state of the police of Halifax.

Mr. Samuel Hood George, who had come out to Nova Scotia in 1808 with Sir George Prevost, and was made secretary of the province that year, had left Nova Scotia in January, 1812, and died in England in June, 1813, at the early age of 24. The member for the county of Sydney, Mr. Ballaine, was drowned 10 April, 1812, and it seems that Mr. George was, while absent in Europe, elected in his place, as we find Samuel Hood George named as one of the members for Sydney county in the Halifax almanac for 1813; and now, on the first day of the session of 1815, the journal of the house informs us that ‘John Cunningham, esquire, returned duly elected as a member for the county of Sydney, (in the room of Samuel Hood George, esquire, deceased), took his seat,’ and the oaths.—15 Feb’y. Petitions against Mr. Cunningham’s return, one from freeholders, and another from Simon Fraser, a candidate, were received. They complained of the sheriff’s not removing the poll on request, from Guysborough to Country harbor.) Several affidavits were annexed. On 14 March, the sheriff of Sydney county, Christian Muller, attended the house, and was examined at the bar, and on consideration of the evidence, the house unanimously resolved to dismiss the petitions. 20 Feb’y. By the public accounts entered on the journal of the house, it appears that at the end of the year 1814 there remained in circulation—

Of the province notes issued under the act of 1812,      £181 10s. od.	}	18,941 10 0
Issued under the act of 1813,      £18,760 os. od.		
Also, that there was due on Loan,		5000 0 0
For arms issued since 1811,		5535 6 10
“ transportation of arms,		1 18 9
“ commissioner of river Shuben- acadie, (survey ?)		63 0 6½
Sums appropriated not yet drawn, of which £73,870 was for militia pay,)		78,558 9 0
		<hr/>
		£108,095 5 1½

The revenue and available funds to the credit of the province amounted to £101,116 6s. 11½d., which left a balance of indebtedness against the province of £6,978 18s. 2d. ; but as there had been very little spent out of the vote of £73,870, voted previously for extra pay of militia and defence purposes, the true aspect of the finance of the country would result in a balance of about £60,000, probably available in favor of the public. In other words, there was now a disposable fund without incurring debt, and leaving means untouched to pay off the loan, the redeemable paper money, and all demands on the treasury ; and this fund or surplus was equal to about the total of any three years' revenue at a very recent period. No doubt the events of war, presence of fleets and armies, and resort and sale of prize ships and goods, had much to do with this result ; but the healthy advance of the colony was also greatly a cause of our success in revenue matters.

Many of the black slaves in Maryland and Virginia had availed themselves of the presence of the British navy in Chesapeake bay, and had taken refuge on board the English men-of-war. They were kindly treated by the navy, and most of them taken to Halifax and Bermuda. On the 1 Sept'r., 1814, H. M. brig *Jaseur*, captain Watt, arrived here, with a transport, in 10 days from Chesapeake bay. Several hundred of these negroes came in the two vessels. 24 Feb'y., the lieut. governor sent a mes-

sage to the house, suggesting that they should facilitate their settlement upon forest lands, representing them as bringing a large accession of useful labor to the agriculture of the country, and appealing to their compassion in favor of those instances of 'decrepid age, helpless infancy and unavoidable sickness' to be found among them. (There is a list of 336 of these people, with their names, among the house of assembly ms. documents for 1815-1818, bound up by the Record commissioner.) Settlements were formed for them at Preston, Hammond's plains, and other places in Halifax county.—£24,950 was granted for roads and bridges, and agreed to by H. M. council on 17 March. A new line of road had been recently surveyed by Mr. Morris, to lead from Halifax to Annapolis; the whole distance was to be 100 miles. It crosses the road between Chester and Windsor, passing from Bedford basin through Hammond's plains. The expence of the survey was £133 6s. 6 March, a joint committee of both branches reported, advising that a paid sitting magistrate should sit daily at Halifax, and a constable to attend him; and that a bridewell for criminal offenders should be established for the county. 27 March, a joint address, praying for privilege of opening the coal mines of Nova Scotia, was adopted by the house. The province building, begun in 1811, making but slow way towards completion, a committee appointed to enquire into the causes of delay, reported 28 March. They found the difficulty of obtaining workmen had been the cause which prevented a more rapid progress to completion. Friday, 31 March. £1000 was voted for purchase of a piece of plate as a present to his excellency Sir J. C. Sherbrooke, for his care and economy in administering the government during the late war with the United States; also £190 to complete surveys and plans of the lakes and streams between Shubenacadie river and Halifax harbor. On saturday, 1 April, the house addressed his excellency on the subject of the colored people brought here from the Chesapeake. They say that they 'observe with concern and' 'alarm the frequent arrival in this province of bodies of' 'negroes and mulattoes, of whom many have already become' 'burthensome to the public.' They express unwillingness to

aid in the bringing settlers into the province, 'whose character, principles and habits are not previously ascertained.' The Africans already here cause 'many inconveniences.' More brought in would discourage white laborers and servants, and would tend 'to the establishment of a separate and 'marked class of people, unfitted by nature to this climate,' 'or to an association with the rest of his majesty's colonists.' They then beg his excellency to hinder such people being introduced, by representation to the ministry, or otherwise. (This he agreed to do on receiving the address.) £400 was voted for relief of these people. On monday, 3 April, the assembly was prorogued. An act was passed this session, by which a 'bridewell or house of correction' was established in Halifax, to be under control of the sessions for the county. Power to commit vagrants and disorderly persons to the bridewell was given to the justices of peace. A sitting police justice was to receive 11s. 8d. a day, and a clerk and constables were to attend the office. Another act gave a simple mode of barring entails of land by rule of court and deed registered. An act was also passed to incorporate a steam boat company, with an exclusive privilege of the ferry between Halifax and Dartmouth for 25 years. (In 1816 it was amended, to permit another kind of boat, called a Team boat, to be substituted. The machinery of this was worked by horses, driven round in a circular enclosure on the deck, and this contrivance employed some years before we had a steam ferry. In connection with it, the company had a small boat called 'the Grinder,' with paddles moved by an iron crank, worked by hand. The old rowing and sailing boats of the ferry still plied as usual until after steam boats were put on. They were slow and heavy, making the mile across in about half an hour. An act of this session also incorporated the Pictou academy.

The sum voted in parliament for the civil establishment of Nova Scotia in 1815, was the same as in the previous year, £13,440 sterling.

In the spring of 1815, Sir George Prevost left Canada, being recalled to answer the charges of Sir J. L. Yeo. He took the overland route to New Brunswick, as the St. Lawrence was



still closed by ice, and when he got to England was attacked by dropsy, of which he died 5 Jan'y., 1816.

Lord Bathurst, in a letter to the lieut. governor, (13 June), speaks of 'the negroes landed in the colony by Sir Alexander' 'Cochrane,' (the British admiral), and calls his attention to the advantage which might result from giving them small grants of land, as they were mostly accustomed to agricultural labor, and would thus shortly provide for themselves, and promote the prosperity of the province. This opinion of the earl was acted upon, although the colonists were of a different judgment.—On the subject of the fisheries, lord Bathurst, in a letter of 17 June, to vice admiral Sir R. G. Keats, then commanding in Newfoundland, says that 'the 3rd article of the treaty of peace of 1783, contained two distinct stipulations,—the one recognizing the rights which the United States had to take fish upon the high seas, and the other granting to the United States the privilege of fishing within the British jurisdiction, and of using, under certain conditions, the shores and territories of his majesty for purposes connected with the fishery. Of these, the former, being considered permanent, cannot be altered or affected by any change of the relative situation of the two countries; but the other being a privilege derived from the treaty of 1783 alone, was, as to its duration, necessarily limited to the duration of the treaty itself.' He then states that the treaty having been abrogated by the declaration of war in 1812, 'the United States forfeited, with respect to the fisheries, those privileges which are purely conventional, and (as they have not been renewed by a stipulation in the present treaty) the subjects of the United States can have no pretence to any right to fish within the British jurisdiction, or to use the British territory for purposes connected with the fishery.' The earl recommends that admiral Keats should not interfere with American fishermen during the present season, further than notifying them for the future. I have quoted lord Bathurst's language on the treaty rights, esteeming the opinion he gives to be correct, and of great importance. The obvious distinction between the admission made of the original right of the Americans to fish on the

Banks and in the gulph of St. Lawrence, and the privileges created by the treaty, affects existing interests, but it seems to be at present in some measure lost sight of.—June 21. The 99th regiment arrived at Halifax by water from St. John, N. B.

The lake Erie had been rising for about three years. It was stated to have attained three feet over its previous level in this time. The Niagara river also rose proportionally. In May, the river Mississippi was higher than had ever been known, and extensive damage ensued. Entire settlements were many feet under water—innumerable breaches (*crevasses*) let in the overflow on the adjoining country, and many sugar and cotton plantations were rendered useless for the time being. Monday, 26 June. Dr. Croke appointed Mr. Crofton Uniacke his surrogate in the vice admiralty court for Nova Scotia, and Mr. Uniacke was accordingly sworn into office. July 24. A charter was granted by the lieutenant governor to authorize a public fair, to be held at Fort Edward hill, in Windsor, twice a year, on the 2d tuesday of June and the 2d tuesday of October,—and a weekly market every tuesday.

In July, news of the defeat of Bonaparte was received at Halifax, and on 3rd August full details of the battle of Waterloo were received by H. M. brig Vesta. A public dinner, by subscription, was given at the Mason hall, on tuesday, August 15, in celebration of the victory at Waterloo. The *committee* were : Dr. W. J. Almon, and messrs. John W. Pyke, D. S. Clarke, Geo. Lewis and John Howe, junr. ; *stewards*, messrs. Albro, Heaviside, Alport, Allison and Bowie. The hour of beginning dinner was 5, P. M. The hon'ble. attorney general Uniacke took the chair, and James Foreman, esq'r., was vice president. A subscription, opened in England for the benefit of the families of the slain and of the numerous severely wounded of the British army at Waterloo, was extended to Halifax. The committee in London having placed the business in the hands of Sir John C. Sherbrooke, he requested major-general Gosselin, the hon. commissioner Wodehouse, and judge Brenton Halliburton, to take it in charge, and they accordingly advertised the opening of subscription lists. List of names with sums subscribed were published from time to time in the

newspapers here for 1815-1816. I find in the Weekly Chronicle and the Halifax Journal and Acadian Recorder, subscriptions from the citizens, garrison, naval yard, &c., in Halifax, above £3800; from Liverpool, Chester, Onslow, Truro, Londonderry, Wilmot and Clements, £373 15s. 8d.; Cumberland, £128 13s. 2d.; Lunenburg, £268 10s. 8d.; and have no doubt that this humane and patriotic fund was aided in all parts of Nova Scotia. It is mentioned that a list opened at St. John, N. B., received from the first 16 names the sum of £470. Halifax was then a much smaller town than we now see it—probably it has increased three or four fold; therefore the sum was large. The chief inhabitants gave from five to fifty guineas each.—Tuesday, 18 November. The hon. Foster Hutchinson died, in the 54th year of his age. He was a most amiable man, and a learned and upright judge. He was not of a robust constitution, and had never married. His seat on the bench of the Supreme court was given to the solicitor general, James Stewart, while Mr. Robie was made solicitor general, and the hon. Philip Wodehouse, commissioner of the dockyard at Halifax, was appointed to the vacant seat in his majesty's council.

Lord Bathurst, in a despatch, (Downing street, 10 October, 1815), directed that the duties that had been collected at Castine while it was occupied by British troops, should be devoted to improvements in Nova Scotia. In another letter to the lieutenant governor (10 November) he offers to have the negroes from the Southern States, who, he says were brought to Halifax contrary to the intention of H. M. government, conveyed to Trinidad in case they find the climate of Nova Scotia too cold for them, and prefer going to a warmer one; and he approves of the measures already taken for settling them here.

APPENDIX TO CHAPTER XXIX.

RETURN OF CASUALTIES ON 8 JANUARY, 1815.

Total loss, 1 major general, 1 lieut. colonel, 2 majors, 5 captains, 2 lieutenants, 2 ensigns, 11 serjeants, 1 drummer, and 266 rank and file—killed.

2 major generals, 8 lieutenant colonels, 2 majors, 18 captains, 38 lieutenants, 9 ensigns, 1 staff, 52 serjeants, 9 drummers, 1126 rank and file—wounded.

3 captains, 12 lieutenants, 13 serjeants, 4 drummers, 452 rank and file—missing.

FRED. STOVIN,  
Lieut. Col. Dep. Adj. General.



## CHAPTER XXX.

1816. The wars which had so long prevailed, were now fairly closed, and confidence in the continuance of peace was established. Treaties of commerce were entered into. Armies and navies reduced. Financial economy became necessary, as the losses and heavy debts produced by the war required rigorous cutting down of expenses to enable civil governments to go on. All this, however, could not be done without some time and enquiry. The high prices of food—the augmented wages of all kinds of laborers—the increased value of manufactured goods, and large value of lands and high rents, remained for some time unaffected by the change from war to peace, and afterwards gradually and slowly became reduced.

Several of the regiments of ‘fencibles’ were disbanded. The Nova Scotia regiment in July, 1815, in Canada, where it had been serving. The New Brunswick Fencibles, which had been raised there in 1813, was disbanded at Fredericton in January, 1816. The 104th had also been raised in that province.

The assembly met on thursday, 8 February, (10th general assembly, 6th session.) The lieutenant governor, in his speech at the opening of the session, spoke of the military renown of Great Britain being exalted beyond all former example,—of the crowning victory of Waterloo,—the treaty of peace with America, in which he is happy to observe there is no stipulation to renew to the Americans the privilege of fishing upon our coasts,—and the commercial convention with the United States, which leaves the trade to the British West Indies in

the hands of British subjects, free from competition. The rev. dr. Stanser being in England, the house appointed rev. Robert Milne their chaplain for the session. 14 Feb'y. His excellency, by message, conveyed to the house the application of George Henry Monk, esquire, one of the judges of the Supreme court, for a pension. He had served in various offices since 1774—was advanced in years and impaired in health, and his infirmities led him to wish now to retire from duty. The lieutenant governor recommended his request. The assembly agreed to grant him a pension of £400 a year for life on his resigning the judgeship, and an act was passed to that effect. Judge Monk resigning, went to Canada, where his brother, chief justice James Monk, lived. By the death of G. H. Monk, at Montreal, in 1823, the pension terminated. [In the passage of this pension, there was a division taken in the house, when 19 voted for the pension and 5 against it, 21 February.] Monday, 19 Feb'y. The house voted £25,000 for roads and bridges, in which the council concurred next day. The public accounts shewed a revenue for 1815 of £90,311 9s. 6d. There was a balance stated against the province of £11,717 13s. 1d.; but as there is a sum of £73,151 11s. 5½d. debited for militia pay, which was evidently a nominal debt only, the true result is a surplus revenue of £61,433 18s. 4½d. This prosperous state of the revenue accounts sufficiently for the readiness with which the council agreed to the large appropriation for the road service. Five thousand pounds of this amount was ordered to be expended on the great roads under supervisors, and the remaining twenty thousand was divided into grants chiefly from £20 to £100 each, though a few were above or below these sums. The whole amount devoted to this object was £25,972 10s. 0d. (In 1815, £450 was granted by the assembly to defray the expense of keeping up a communication, by post, from one part of the province to the other. Monday, 18 March, 1816. £650 was granted in aid of the post communication. At this time the post office was conducted by officers appointed under Imperial authority, and the assembly had no control over them or the revenue they collected. The great advantage and convenience derivable

from extending post communication through the country was felt, and the assembly for many years granted sums to aid in creating post offices in the towns and villages of this province.) On tuesday, 12 March, the council, by message, informed the house that they had agreed to 280 resolutions for roads and bridges, amounting to £25,972 10s. od. 20 March. The assembly unanimously passed an address to the Prince Regent, requesting him to make Dr. Stanser, who was rector of St. Paul's, Halifax, and chaplain to the house, bishop of Nova Scotia in place of Dr. Charles Inglis, recently deceased. On tuesday, 26 March, the assembly was prorogued.

In the appropriation act of this year, £100 was voted to the treasurer of the province beyond the £500 salary; £100, each, additional to the judges; £250 to the lieutenant governor, for contingent expences; £400 for establishment at Sable island; £1500 for grain and seed for the indigent; £1500 for Cornwallis bridge, if the people there gave £1000. £1200 to assist in paving Water street, in Halifax; £400 for Arisaig pier; £200 to Walter Bromley, for his services in establishing the Acadian school. Acts were also passed to appoint an associate judge on the circuits of the Supreme court, with a salary of £400 per annum,—to subject persons convicted of larceny, &c., to a period not exceeding 7 years of hard labor,—to enable the court of divorce to annul mariages for adultery or cruelty,—to regulate the trade of exporting gypsum,—to appoint commissioners of light houses. The alien act of 1798 was revived and continued. Acts to regulate the mode of transporting gunpowder,—to prevent combinations of masters and journeymen,—to incorporate the drawbridge company of Liverpool, N. S.; and an act for founding an academy at Pictou.

Earl Bathurst, by letter of 6 May, 1816, notified Sir John Sherbrooke that, agreeably to the recommendation of the house of assembly, Dr. Stanser was named as bishop of Nova Scotia. [Charles Inglis, D. D., died saturday, 24 Feb'y., 1816, in the 82d year of his age, 58th of his ministry, and 29th of his consecration. He was the first colonial bishop in the British empire. He was buried under the chancel of St. Paul's

church, Halifax, on thursday, 29 February. Sir John C. Sherbrooke, Sir John Wentworth, the members of council and assembly, the officers of army and navy, and the principal inhabitants, attended in the funeral procession. The reverend William Twining, rector of Rawdon, read the funeral service.] The reverend John Inglis, D. D., was appointed by the Prince Regent to succeed Dr. Stanser as rector of St. Paul's church, Halifax.

The house of commons voted £13,440 for the civil establishment of Nova Scotia, for 1816.

The travellers of this time were notified in February, by Isaiah Smith, that they could go from Halifax to Windsor, or from Windsor to Halifax, for six dollars. Six inside passengers could find room in his stage-coach, which made two trips every week.

On 30 March, his excellency appointed Lewis M. Wilkins, the speaker, to be judge, in place of judge Monk, resigned; and Pleg Wiswall, esquire, to be associate circuit judge of the Supreme court. April 17th, captain John Westmacott, royal staff corps, a brother of the celebrated sculptor, was officer of the night at Halifax, and being on horseback on his rounds, challenged two men, who had a suspicious appearance. They attacked and wounded him. He died on May 4th. The murderers were soldiers, who had been stealing fish from a store, were discovered soon after the captain's death, and were both tried, convicted, and executed.

By a letter from captain Charles Barrington, of 5th battalion 60th regiment, published at this time, we find that the militia of Prince Edward Island, in which he was stationed, (and was a member of council), displayed the sincerity of loyal principles by performing 'military duty *thirty* or *thirty-two* times' 'a year during the late American war.'

Sir John Coape Sherbrooke was now appointed by the Prince Regent to be governor in chief of all the British North American provinces. On the 18th June, his commission as governor of Nova Scotia was publicly read in presence of the members of H. M. council and public officers, civil and military, and he took the oaths appointed and the oath of office.—



On tuesday, 25 June, the magistrates and principal inhabitants of the town of Halifax gave a farewell dinner to his excellency, who was about to proceed to Quebec. The dinner was at Mason hall. Mr. Blowers, the chief justice, presided ; and the hon. Michael Wallace, treasurer, was vice president. The king, the Regent, and prince Leopold and his spouse, were first toasted. Then the health of Sir John was drunk, with the sentiment, ' May he enjoy as much happiness in Canada ' 'as he has bestowed on Nova Scotia,' on which he returned thanks. Many other toasts were given, among which was Lady Sherbrooke. The governor withdrew about nine or ten o'clock. After he had gone, judge Brenton Halliburton rose and gave as a toast, ' His excellency Sir John Coape Sher-' 'brooke. He is a man, take him for all in all. We ne'er ' 'may look upon his like again.' Addresses from Halifax. Pictou, &c., followed.

On wednesday evening, the 26 June, major-general George Stracey Smyth and suite arrived in town from New Brunswick ; and on friday, 28 June, general Smyth was sworn in council as administrator of the government. On thursday, 27 June, the new governor general left the king's wharf under discharge of cannon and the cheers of a great concourse of people from the wharves, and embarked in H. M. S. *Niger*, captain Jackson, and the vessel proceeded past George's island, but the wind dying away, she was compelled to anchor. Sir John arrived at Quebec on the 12 July. Sir John Coape Sherbrooke was highly esteemed by the inhabitants of this province. A high sense of integrity was evinced in every part of his conduct as the representative of the crown. Prompt, manly, sincere and impartial, he was regarded as the incarnation of inflexible and incorruptible justice. Somewhat excitable and abrupt in manner, he yet succeeded in winning golden opinions from all the people within his government. He is said to have, at least on one occasion, forgotten his dignity, and horsewhipped a truckman who offended him. His lady was courteous and charitable. His private secretary, lieutenant colonel Addison, was a man of conspicuous piety. Altogether the honor and influence of government were fully sustained

under his administration. He governed in Lower Canada from 1816 to 1818, and died in England, his native country, at Claverton, in Nottinghamshire, 14 Feb'y., 1830. Full length portraits of lieutenant governors Wentworth, Prevost and Sherbrooke are preserved in the Province building. They were not of great physical stature or bulk. Sir George Prevost was quite small. They were all three capable business men, of attentive and assiduous habits, and accommodated themselves readily to the wishes, interests and feelings of the colonists.

On Friday, 28 June, at 2, A. M., a transport ship from Quebec, on her way to Halifax, with six companies of the Nova Scotia regiment, under command of lieut. colonel Darling, struck on a reef of rocks near Green island, on the coast East of this harbor, and almost instantly bilged. Four privates, two women and two children, were lost, and all the luggage. The men got to Halifax in coasters about the 1st July, in a very destitute state.—July 1. Major general Smyth appointed James Cochran, esquire, (now Sir James Cochran, chief justice of Gibraltar, son of the late hon. Thomas Cochran, of H. M. council for Nova Scotia), to be his private secretary.

On Wednesday, 31 July, the third yearly inspection of the Royal Acadian school took place. About 400 pupils attended, and many of the townsfolk were present. A copy of verses, in the writing of some small children, was exhibited. Mr. Bromley stated that 892 children had received instruction there, and besides more than 100 apprentices and others in the Sunday school.—Earl Bathurst wrote, 1 July, to Sir J. C. Sherbrooke, (dispatch received 17 September), permitting the opening of the coal mines of Nova Scotia. He enclosed 'a copy of the lease under which such mines are usually' 'worked' in England, that Sir John might judge whether some of its stipulations might not be added to those already recommended by the executive council. He suggests that in any long lease of mines there should be a clause giving to the crown power of resumption in case of the work being suspended by the lessees. 8 July. Earl Bathurst directs the governor to give an addition of £150 a year to the bishop's com-

missary, on the bishop's certificate. 6 August, he directs £2 a day to be paid to general Gosselin, for the time he administered the government of the territory Eastward of Penobscot river. The balance of the impost and excise duties levied at Castine, remaining in the hands of Mr. Manby, deputy commissary general at Halifax, was £11,596 18s. 9d. The lieutenant-governor, on receiving the intimation that this money should be applied to improvements in Nova Scotia, referred it to H. M. council, to report upon what particular work it might be most advantageously employed. In September, the new bishop of Nova Scotia arrived at Halifax from London, in the merchant brig Jean.

The French government now encouraged their fisheries at Newfoundland by bounties, viz.: 50 francs per man employed in the grand fishery, and 15 in the small fishery; 24 francs per quintal on codfish of French catch, sent to the French colonies; 12 francs if sent from a French port in the Mediterranean to Spain, Portugal, Italy, or the Levant; and on every quintal of French catch, sent direct from the fishing places to Italy, Spain and Portugal, 10 francs.

On the 23 September, the commissioners, under the 4th and 5th articles of the treaty of Ghent, met at Saint Andrews. Colonel Barclay, late H. M. consul general for the Eastern states, was commissioner on the part of England; and the hon. Ward Chipman, of New Brunswick, assisted him as agent. The hon. John Holmes, of Massachusetts, was present, as American commissioner, under the 4th article; and Cornelius Van Ness, esq'r., of Vermont, under the 5th article. The 4th article referred to the islands in Passamaquoddy bay, and to Grand Manan; the 5th to the Eastern boundary line of the United States, to be traced and surveyed from the source of the river St. Croix to the river Iroquois or Cataraguy, under the second clause of the treaty of 1783. The commissioners adjourned, to meet at Boston in the month of May following. Barclay and Chipman had been the persons authorized, under the 5th article of the treaty of 1794, for determining the true river St. Croix.

Wednesday, 9 October. A fire destroyed many buildings

on Sackville, Hollis streets, and Bedford Row, in Halifax. Most of them were wood, but one at the corner, owned by G. M. Haliburton, was of brick. It began at 10, P. M., and was not extinguished until daylight was approaching.—It was in August, of this year, that lord Exmouth bombarded Algiers, and compelled the Dey to submit to the terms demanded by England. The Algerine loss in killed is stated as an admiral, 6 captains, and 1200 men. The English, 800 killed and wounded. The *abolition* of Christian slavery was one of the terms of the treaty. (Edward Belcher, then a midshipman, now Sir E. Belcher, vice admiral, was in the English fleet on this occasion.)

It is painful to read of cases of capital punishment, and almost equally so, to find, so late as 1816, the sentence of cutting off a man's ear part of a criminal judgment in the Supreme court at Halifax. At Quebec, on the 6 July, snow fell from 11, A.M., until half-past 12. Frost had affected garden vegetation there a short time before.

Thursday, 24 October, H.M. frigate Forth arrived at Halifax. The earl of Dalhousie came in her, with his lady, part of his family, and suite. Lieut. colonel Charles Duke was to be deputy adjutant general—majors Couper and Sparrow aides-de-camp, and colonel Darling military secretary. At 2, P. M., the earl landed at the king's slip, where he was received by generals Smyth and Ainslie, &c., and by the civil authorities. On arriving at the council chamber, he was sworn in as lieutenant governor, in presence of the members of council. Salutes were fired at his leaving the Forth and on his landing, and the streets were lined with troops on the way to the council room.

8 November. The team boat made its first passage across Halifax harbor.—A new theatre was fitted up in a large wooden store on Fairbanks' wharf, and opened in October or November, this year. Price, Charnock, Placide and Young, with Mrs. Charnock, Mrs. Young, Mrs. Aldis, &c., were the chief actors.—30 Nov'r. The North British society's dinner was given at Mason hall,—Mr. Wallace president, Mr. Bowie vice president; and earl Dalhousie, bishop Stanser, commissioner



Wodehouse, with the navy captains, the commandant of the garrison, &c., were guests. 30 official toasts were published. On tuesday, 17 December, a fire occurred in Water street, at Grassie's wharf, destroying many buildings on both sides of the street.

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## APPENDIX TO CHAPTER XXX.

### ( 1. )

Died, 5 March, 1816, at Liverpool, William Freeman, esquire, in the 75th year of his age, one of the first settlers of that place.

Died, at Windsor, friday, 19 April, 1816, Susannah Francklin, in her 76th year, widow of Michael Franklin, formerly lieutenant governor of Nova Scotia.

Died, at Halifax, 17 June, 1819, Richard Kidston, esquire, in his 80th year.

Died, at Granville, 8 September, 1816, Thomas Millidge, esquire, custos rotulorum of Annapolis county, aged 80 years.

## CHAPTER XXXI.

1817. Among the marks of improvement and advancement in Nova Scotia, the erection of light-houses was most worthy of notice. In January, James Fraser, John Douglas and Samuel Cunard, the commissioners of light-houses, published a notice, for the information of mariners, of the several light-houses then on this coast, giving particulars of their situation, character and bearings, namely : the Sambro light, near Halifax harbor,—the Liverpool light, on Coffin's island,—Shelburne light, and Brier island light,—four in all. About half a century has passed away since that notice was issued, and now we find fifty light-houses established and in operation on the coasts of this province. [*See Belcher's almanac for 1866, pp. 38 and 117.*] The good sense and liberality of the successive legislatures of Nova Scotia have been steadily exercised in advancing this object, so beneficial to commerce and essential in preserving life and property, while the commanding officers of the navy on the station have done everything in their power to promote the progress and utility of these undertakings. The late Sir Charles Ogle, when admiral here, was most zealous on this and similar subjects.

The assembly met on thursday, 13 February, (10th general assembly—7th session.) The following twenty-six members of the house were in attendance : messrs. Robie, Dewolf, Dimock, Allison, Lawson, Kent, Archibald, Ritchie, Bishop, Chipman, Pyke, Cunningham, Crane, Haliburton, Manning, Flemming, Roach, Harris, Pryor, Marsters, Purdy, Baker, Mortimer, Shaw, Wells, Warwick. A letter from Mr. Wilkins

to the clerk was read, stating that he had accepted the situation of an assistant justice of the Supreme court, and conveying his acknowledgment of the support he had received in the chair, and his regrets at parting with the house. On this, they resolved that his seat for the county of Lunenburg, and the speaker's chair, were vacant, and the lieutenant governor having, by message, commanded their attendance in the council chamber, the clerk informed the lieutenant governor of their being without a speaker. The president of the council signified his excellency's pleasure that they should retire and choose one, and immediately present him for approval. On the house returning to their chamber, Mr. Pyke proposed Mr. Robie, the solicitor general, and Mr. Shaw named Mr. Ritchie. Mr. Robie was chosen, presented and approved. The earl then opened the session with a speech, in which he compliments his predecessor, Sir J. C. Sherbrooke, as having obtained the approbation of his sovereign and the respect and esteem of the inhabitants of the province ; mentions the victory of lord Exmouth, at Algiers, and the marriages of the princess Charlotte to prince Leopold, and of the princess Mary to H. R. H. the duke of Gloucester ; says that the revenue of the province cannot now be expected to be as productive as it was during the war ; refers to distress felt, owing to the failure of the crops in many districts during the last two years ; and adds, ' In perusing the proceeding of ' the legislature for some years back, I have observed, with ' great satisfaction, the attention given to the making and ' improving the public roads. Nothing, indeed, is of greater ' importance to a new country, or more powerfully claims my ' recommendation to your further attention.'—Dr. Stanser having been made bishop, the house resolved that doctor John Inglis, the rector of St. Paul's, should be their chaplain.—18 Feb'y. The earl sent to the house a letter from lord Bathurst, dated 4 October, 1816, stating ' that it is an object of ' H. M. government to augment the population of Nova ' Scotia by the settlement of emigrants on the ungranted ' lands ;' speaking also of difficulties experienced by recent settlers, and requesting information. 21 Feb'y. Mr. Roach,

member for county of Cumberland, complained that Daniel Benjamin had written him a letter, charging him with improper motives, and with endeavoring to injure the writer in a debate in the house. The letter was read. The house voted it to be a breach of privilege, and that Benjamin should be arrested by a speaker's warrant, and brought to the bar of the house to answer for his conduct. 24th. Benjamin was brought to the bar, in custody of the sergeant-at-arms—acknowledged the letter, and was heard in his defence. The house then ordered him to be committed to the common jail in Halifax, there to be closely confined until discharged by further order of the house.—The public account entered on the journal shews the revenue of the province for 1816 to have been £69,678 3s. 0½d. On the Dr. side are :

Sums appropriated, undrawn,	£8,269	11	6
Notes in circulation,	13,447	0	0
Due for arms issued since Dec., 1811,	5,535	6	10
Due to commissioners of isle Sable,	18	2	8½

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Total indebtedness, £27,270 1 0½

This left a balance of £42,408 2s. od. for appropriation and disposal by the assembly. 25 Feb'y. Benjamin petitioned the house to release him, pleading ignorance, and offering to make any concession the house might think proper. Next day he was brought to the bar again—made submission to the satisfaction of the house, and was liberated. 27th. Walter Bromley petitioned, stating that, with some pecuniary aid he received from benevolent persons in England, he had formed a settlement of upwards of twenty-four Indian families, (Micmacs), on the Shubenacadie ; that they were engaged in cultivating land, and more of their people were expected to join them in the spring ; and he prayed for aid from the assembly to the settlement. The house now addressed his excellency concerning the obstacles existing to the settlement of emigrants here. These they say are : 1. The expense of taking out grants. 2. The lands ungranted lie in the interior, leaving little advantage from roads. 3. The people settled near them could not supply subsistence to new settlers, even though they were to



be paid for doing so. 4. Some of the largest and finest tracts held by absentees and others, remain in a wilderness state.—The remedies they suggest are : 1. To survey and grant lands to settlers free of expence. 2. To give them rations for eighteen months, and some implements of husbandry. 3. To escheat and re-grant, free of charge, to emigrants, the uncultivated tracts before mentioned. The province can assist new settlers only by the opening of roads in their vicinity. The destruction of crops here, by an uncommon frost, has created necessity of an aid to the people this year which, the revenue being limited, cannot be continued. Such was this document in substance, and when carried to the earl he expressed entire concurrence in its views. Saturday, 1 March, the council concurred in a resolution of the house to grant £25,000 for roads and bridges. 5 March. The rev'd. Dr. Cochran, president, and other officers of the society for promoting agriculture and rural economy in the county of Hants, petitioned for aid to procure better grain and grass seeds—cattle of better breed, and labor-saving machines. The house directed the speaker to apply for new writs, to elect members in place of messrs. Wiswall and Wilkins, both now judges. Saturday, 15 March. A bill, which had passed in the council respecting mines, having been referred to a select committee of the house, in their report they expressed an opinion, “that the reservation of” “mines and minerals in grants of the crown does not give” “the crown a right of entry to search for and open mines,” “much less the power of conveying that right to settlers,” “although when mines are opened by the owner of the soil,” “the crown may restrain the working of them by a subject,” “or claim the right in them where so opened.” (This doctrine seems questionable.) 19 March. It appeared by the report of a committee that William Thomson, esquire, held the office of clerk of the crown and prothonotary under a commission from the late governor Parr, dated 29 of March, 1787, in pursuance of a royal warrant of 6 October., 1786, during pleasure and his residence in the province,—that he had for several years past been absent, and resided in Canada. 21 March. Lord Dalhousie recommended to the house to

assist the Indians in their disposition to fix their abode and cultivate land. 26 March. A petition of the merchants of Halifax, signed by Lawrence Hartshorne and others, complained of the Instance court of Vice admiralty, as depriving the subject of his right to a jury trial, and in case of an appeal causing great expence,—and of the fees exacted at the custom-house at Halifax as extremely burthensome. The house shortly after passed resolutions in favor of the petitioners' views, to be sent to England. 30 March. The 2d volume of Provincial laws (from 1804 to 1816) consisted of 300 copies, 220 pages, small quarto. The expense was—£ 100 for editing, £225 printer, £95 binder,—total £420. 80 copies were bound in calf, and 220 half bound. 21 March. Grants of £ 250 to the distressed Indians, £ 50 for distressed prisoners for debt, £ 111 2s. 2d. to N. Atcheson, (the agent), £ 8000 for Province building, were, with other votes, agreed to by H. M. council. 2 April. The house passed an address to the Regent, on the late marriages in the Royal family, and another to Sir John C. Sherbrooke, on his appointment as governor in chief. On the same day the assembly was prorogued.

Among the acts of this session was one to procure copper half-pence from England, to the value of £ 2000. This coinage was to bear the Royal arms, &c., as on the provincial great seal, and when received it was to be issued from the treasury. This act was disallowed, as in violation of the Royal prerogative. An election law, fixing the qualification of electors—1. Forty shilling freeholder. 2. Owner of a dwelling house, and the ground it stood on. 3. Owner of 100 acres of land, of which 5 or more are under cultivation. The same qualification was required of candidates. To prevent the manufacture of votes at an election, the act required that the grant or deed of the land should be recorded six months before the *teste* of the election writ. An act to issue 1000 province notes, of £ 5 each. An act to prohibit the exportation of wheat, rye, barley, Indian corn, oats or potatoes, from the province for four months. —The winter proved very cold all over this continent. In February, the thermometer was at zero in Washington, and 20 degrees below zero at Newbury-

port. In January, two persons perished from the severity of the cold at New Orleans, and the ice was 26 inches on the Potomac. At Halifax it was noticed that Bedford bason, which had not been travelled on (over the ice) since the winter of 1788-1789, was passable for teams until the 15th April; and that the South-east passage was closed by the ice on the 20th January, and remained so until 25th April, when it broke up. [*Mr. Wallace's interleaved almanac 1817, ms. note.*] In February two men belonging to Lunenburg and one to Margaret's bay, who were on a hunting party, were frozen to death. A public subscription was set on foot at Halifax for the distressed poor, whose number was augmented by persons in want from Newfoundland. £600 is stated to have been given in support of these emigrants by the people of Halifax. In several of the out-harbors vessels were frozen in.

May 21. Lord Dalhousie appointed William Henry Otis Haliburton, and Samuel G. W. Archibald, king's council.

Proposals had been made by the British government to that of the United States to endeavor to make an arrangement by which American citizens might be permitted to participate in the fisheries on the coasts of the provinces. The U. S. government declined to negotiate, and a circular, dated 24 June, 1817, signed by R. D. George, secretary, was sent to the collectors of customs and collectors of light duties at the different ports of Nova Scotia, by order of the lieutenant governor, stating this refusal, and "that American fishermen are not" "permitted to frequent the harbours, bays or creeks of this" "province, unless driven into them by actual distress; and" "I have to desire that you, on no account, ask or receive any" "light money, anchorage, or any other fees whatsoever, from" "vessels belonging to American subjects." This last clause was understood to apply only to the American fishing vessels. This season the merchants of St. John, N. B., applied to lord Bathurst, complaining that their vessels had to pay unauthorized and exorbitant fees to the British consuls in the United States. The fee exacted from a vessel of 150 tons was ten dollars. Some of the American fishing vessels had been seized here for infringing on our fishing rights, and were pro-

secuted in the Vice admiralty court. I find in the Acadian Recorder newspaper, of 6 September, 1817, a decree of Mr. Wallace, then acting as judge, in which he declined to condemn them, on two grounds: 1. That no specific notice had been given by the British to the Americans to desist from fishing on our coast, as they had been used to do; and that they, the fishermen, seemed ignorant of the intentions of our government on the subject. 2. That there was no act of parliament, law, proclamation, order in council or instructions to specify the forfeiture, penalties or punishment incident to their offence. 3. That the negotiations on this subject had been renewed. He decreed the vessels to be restored to the claimants on paying costs, leaving the seizors to appeal, if dissatisfied.

Lord Dalhousie went in *H. M. S. Leander*, in September, to Pictou, accompanied by admiral Sir David Milne and the commissioners of the Halifax dockyard. He landed there on the 11th, under a salute from the battery. He was received by the magistrates and a detachment of 5th battalion of militia. He also visited Antigonishe, and returned in a few days to Halifax. The theatrical company, Price, Charnock, &c., recommenced their performances in December. A singular offence was committed in the same month by a young man, who stabbed eight of the horses in the ferry team-boat called the *Sherbrooke*, as they passed him in their movement.

The resolutions of the house respecting the Vice admiralty court had reference chiefly to suits for penalties, particularly those incurred by violations of the laws of trade and navigation. It had been the subject of similar resolutions on the 3 April, 1811, and messrs. Morland and Atcheson, the agents for Nova Scotia in London, brought the matter, by letter, to the notice of lord Bathurst, (27 June), who referred this to the lords of the treasury.

Lord Dalhousie communicated to earl Bathurst (Dec'r. 14, 1817), a proposal, unanimously agreed to by himself and H. M. council for employing the Castine fund. He says: "A secondary for the higher branches of education is much wanted" "in Halifax, the seat of the legislature—of justice—of the"



“military and mercantile society.” Edinburgh college is the model suggested. Professors receive there small salaries. The students attending a class pay 1, 2 or 3 guineas for a ticket for the whole course. It is open to all sects,—to strangers passing a few weeks there,—to the military,—to students of law. The Castine money, after paying general Gosselin, left £10,750. Of this amount the earl wished to set aside £1000 for a different purpose, viz., in aid of the Garrison library in Halifax, just begun. He would then have £9,750 applicable to the college. £3,000 he would apply to a building of stone, to be erected on the Grand parade, and ‘sink’ ‘the remainder,’ £6,750, as a fund for the support of the professorships. He says he is aware that this would scarcely be sufficient, without the legislature of the province aided us by an annual vote. The trustees he suggests are—the lieutenant governor, the chief justice, the lord bishop of Nova Scotia, the speaker, the treasurer, and the minister of the Scotch church in Halifax. This project was fully concurred in and authorized by the prince Regent. [*Lord Bathurst to earl Dalhousie, 6 Feb’y., 1818.*]

Lord Dalhousie had requested of earl Bathurst that the commander of the armed provincial vessel should have a commission to seize smugglers. The lords of the treasury assented to this, but required the name of the commander to be sent, as they considered a blank commission, which had been suggested, would be illegal.

Mr. Ritchie petitioned on behalf of the French Acadians in the district of Clare, for a remission of the fees on their grants of land. Lord Dalhousie sent the petition to the minister, recommending it himself, and the Regent directed the request should be acceded to. The Pictou academy act of 1816 was confirmed by the Regent in council, 17 Sept’r., 1817. Lord Dalhousie had taken measures for placing disbanded soldiers on their lands without waiting for the regular passing of their grants. Lord Bathurst, in his despatch of 15 December, approves of this, but requests the earl to pay the official fees for them out of any funds at his disposal applicable to the purpose.

APPENDIX TO CHAPTER XXXI.

( 1. )

Died, at Bath, England, Doctor William J. Almon, aged 62, on 5th February, 1817.

Died, at Sackville, N. B., 21 August, 1817, Charles Dixon, esquire, in the 39th year of his age. He came there from England in 1772—was representative for Sackville in the assembly of Nova Scotia, and after the separation of New Brunswick, county member for Westmoreland in the assembly of the latter province. He left 125 descendants in the counties of Cumberland and Westmoreland.

( 2. )

*(From the almanac of 1817.)*

His excellency George, earl of Dalhousie, knight grand cross of the most honorable order of the Bath, lieutenant governor and commander in chief in and over his majesty's province of Nova Scotia and its dependencies, vice admiral of the same, &c. &c. &c.

HIS MAJESTY'S COUNCIL.

Hon. Sampson S. Blowers, president, (the chief justice.)

Hon. right reverend Robert, lord bishop of Nova Scotia.

Michael Wallace, Charles Hill, Richard J. Uniacke, Charles Morris, James Stewart, Thomas N. Jeffery, John Black, Brenton Halliburton, P. Wodehouse.

Rupert D. George, esquire, secretary.

H. H. Cogswell, esquire, deputy secretary.

## CHAPTER XXXII.

1818. The assembly met thursday, 5 February, (10th general assembly, 8th session.) The earl opened the session with a short speech. He mentions the death of the princess Charlotte, on the 6 November previous,—calls their attention, by command of the Regent, to the militia, with a view to its being made more efficient, and to the law passed in 1816 to regulate the export of gypsum. 10 Feb'y. Cereno U. Jones, elected member for the county of Annapolis, in the place of judge Wiswall, was sworn in. Two members of assembly had been arrested in civil actions ;—one, Jacob Van Buskirk, member for the county of Shelburne, by admiralty process, remained in custody,—the other, Isaiah Shaw, member for Granville, taken under a writ from the Supreme court, had been liberated on account of his privilege as a member, but complained of ill-treatment in his arrest. The house, on learning this, appointed a committee of privileges, and referred the enquiry to them.

We now find that, beginning with this session of 1818, the proceedings and some of the debates of the house of assembly are from time to time reported in the weekly newspapers. As the council sat with closed doors, no report of its discussions was possible. The Recorder had been established in 1813, by Anthony Henry Holland, namesake, and, I fancy, godson of the king's printer, A. Henry, of the early times. It appeared first in the war with America, and was open to bold animadversion on the public affairs of the colony, and freely admitted original compositions. Holland

got into some difficulties in consequence—was fined and imprisoned, but his paper became both popular and useful. By the free style of its contributors—its reporting the debates and its editorial remarks, it tended to elicit a decided public opinion on many matters, that eventually had an important influence in our public affairs. It was also in this paper that Mr. John Young's letters on agriculture first appeared in 1818, being issued under the *nom de plume* of Agricola.

11 Feb'y. The house voted £25,000 for roads and bridges. By the public account on the journal, the net year's revenue to 31 Dec'r., 1817, was £42,481 14s. 9d. The debts against it were, in all, £30,597 5s. 7½d., leaving a balance of £11,884 9s. 1½d. for appropriation. The debts consisted chiefly of near £25,000 of province notes in circulation, and about £5000 of former appropriations undrawn. 16 Feb'y. Mr. Shaw, a witty member, introduced a bill 'to suppress the multiplicity of' 'dogs.' This was read a second time, but lost in committee next day, when the same gentleman presented a bill for the lighting of Water street. 20 Feb'y. By an account of commissioners, it appeared that £7,929 12s. 5½d. had been expended, under an act of last session, in provisions and grain to settlers, who had been in distress from the failure of crops. 25 Feb'y. The house discussed a proposal to make changes in the militia laws, recommended in a despatch from lord Bathurst to the lieutenant governor. The militia was supposed to be about 12,000 effective men, from 16 to 60, who were enrolled in twenty-six battalions. £420 was paid to the adjutants. The new project was to draft from the men between 18 and 45,—to reduce the number of battalions to 12, of not more than 500 men in each. Instead of four inspecting field officers, to have one only, and under him two staff adjutants and three staff serjeants. The inspecting officer to reside in Halifax—the others to take their rounds in the country; the care of the block-houses on the coast to be given to the militia nearest to them. It was generally stated in the house that the existing system was satisfactory, and a resolution against the proposed change was adopted without a division. The council disagreed to the vote of £25,000 for roads and bridges; but on the 26th



agreed to a vote of £ 20,000 for that service,—it being understood that £ 6,000 of the sum expended to aid distressed settlers should be included in this grant. Friday, 27 Feb'y. Edward James, elected member for Lunenburg county, in place of judge Wilkins, was sworn in. Saturday, 28 Feb'y. A. H. Holland was brought to the bar of the house in custody—apologised—was reprimanded, and dismissed. His offence was that the name of Mr. Mortimer (a member) was contained in a jocose critique in Holland's paper. A petition was presented by Mr. Archibald, from James Robson and others, 'ministers of the Protestant religion,' complaining that they have not the privilege of having marriage licenses issued to them.

An attempt to repeal the attachment law failed, and it was not until many years after, it ceased to be law. By the law from an early date, the creditor who attached first was paid in full, if the property seized was equal to the amount due ; while the claims of subsequent attachers were paid in order of priority. This writ issued on the creditor's oath in the commencement of the suit, and on bail being given the goods might be liberated. It seemed a harsh remedy, and undoubtedly was sometimes abused, and the hardest and most suspicious creditor thus secured his funds, while the debtor was ruined and his more humane creditors went without any dividend. But in the state of business before banks were established, it probably was the best arrangement that could be resorted to. March 6. The proprietors of the old ferry boats petitioned against the steam boat company using the small boat turned by a crank, as injurious to them, and beyond the rights given the company by their act. A debate ensued, in which the lawyers in the house held different views as to the right in question. A committee was appointed to report an act in explanation on this subject. The magistrates of Halifax applied for a law to authorize the leasing of part of the common in half acre lots for a long term on ground rents, and the draft of the act was published. Petitions from the counties of King's, Cumberland and Annapolis were received, stating general distress among the people, and asking for the issue of paper money as

a loan from the province to individuals. The house debated on this subject on thursday, 12 March, in committee of the whole, but were divided in opinion, and no result was then attained. The report of the committee to issue paper as a loan passed by a majority of one, but was rejected in the house by a similar majority, and on the following day it was resumed in committee, and a vote passed to issue £30,000 on loan. This, when reported, was also rejected by the house on a division, in which ten voted to receive it, and fourteen in the negative. In the second debate, Mr. Ritchie proposed to confine the loan to new settlers, and limit the amount to £20,000. Mr. Marshall was against both restrictions. Colonel Crane argued that paper money should not be issued unless we possessed the means to respond it, otherwise it would sink in value. If the paper money now afloat were funded, the revenue would be sufficient to justify the new emission. Mr. Chipman thought the sum named too small, and argued to extend the loan to all farmers. Mr. Lawson did not believe that there was one sixteenth part of the distress that had been talked about. Blamed the farmers in the West, and contrasted them with the industrious people of Lunenburg. Was averse to loans. Messrs. Dimock, Archibald, Chipman, Roach and Marsters, spoke, and were all more or less opposed to the measure. Mr. Marshall opposed it in any shape. Messrs. Allison and Mortimer supported it; and Mr. Halliburton moved that the sum be £30,000. Mr. Mortimer said that £500,000 would scarcely suffice to relieve the general wants of the province.)

The trustees of the academy at Pictou having petitioned the lieutenant governor, praying aid from the province to erect a building for their use, his excellency recommended the petition to the house, and on 13 March they went into committee of the whole to consider it. There a motion was made to refer it to the committee of supply. Mr. Marshall opposed this. He argued that the recommendation of his excellency, while it entitled the petition to their prompt and full consideration, did not in any way make it necessary that they should accede to its request,—that the petitioners, instead of apply-

ing to the house, as they should have done, in the first instance, had gone to his excellency, thinking that if they got his recommendation they would effectually secure what they otherwise would not obtain.—that when they had applied for an act to authorize the establishment of the academy, it was “repeat-” “edly declared in the house, on their behalf, that they had” “subscribed their own monies for this institution, and that” “they never would ask any money from the province, but” “only required an act to enable them to carry into effect the” “measure they proposed. That act was granted them, and” “has since received the assent of H. R. H. the prince Regent;” “but no sooner is that assent made known, than they are” “found, in breach of their declarations, soliciting money from” “the provincial funds, before they have collected or applied” “one farthing of the sums they have subscribed, and previous” “to their laying a stone of the foundation of their proposed” “building, or doing anything more than what they had done” “on paper towards establishing the institution.” He went on to assert that “the age of literature—of refinement in” “science and classical knowledge, had not always been the” “age most distinguished for public and private virtue;” that the contrary could be shewn, and that such an age had frequently been one of war, vice and misery; that the lower orders should be taught to read their bible, and those destined for the liberal professions should have a classical education; that the legislature had gone as far as they should to promote education. “If the motion should succeed, it might be made” “a matter of sarcasm and ridicule among the people of a” “neighboring country; that while the inhabitants of Nova” “Scotia were depending upon them in a great measure for” “the bread they ate, and had one seminary in which degrees” “in learning were conferred, to the support of which the” “province largely contributed, the legislature was granting” “money for the establishment of another.” He referred to the small population of the province. He mentioned the Windsor college, at which degrees could not be obtained without subscription of the 39 articles, a restriction which, he thought, should be removed, but students might acquire education there

without subscription. Provision had been made for a grammar school in each county. In Halifax, there were the National school and the Acadian school---in the latter 320 pupils. The grant to the National school was not made until after the promoters had put up an expensive school-house, in which were 117 children. He was satisfied the petitioners wished to make the Pictou academy a provincial establishment. If once money is given, other sums will be demanded for its annual support. The cost of education to the provincial treasury he estimated would be about £5000, or one-sixth of our probable revenue. The act required the trustees to be of the church of England or presbyterians. Every other denomination of dissenters had as good a right to a college as the presbyterians. He also thought the money could not be spared. They had the civil list, including schools, to meet, say £15,000; and they had passed votes of £14,000 for roads and £6500 for the Province house. Further issue of province paper, and the funding of the old notes, was looked for, and interest would accrue on these. Mr. Archibald replied. He begged the loan of Mr. Marshall's brief, to reply to his various objections, as he seemed to be preaching from notes. 'If' 'education was to be considered an evil, he hoped the' 'Academy might be highly charged with it. As to ridicule' 'from the States of America, he was not of opinion that we' 'were to maintain our struggle for existence in ignorance and' 'darkness.' He claimed the equal enjoyment of civil and religious privileges. When Windsor college was founded, although the revenue was small, the province gave £500 to buy the site, and gave it £400 sterling per annum. It was expected by the majority of the members then, who were not churchmen, that the college would be open to all denominations, but the statutes of the college excluded all but churchmen from its honors and emoluments. Mr. Haliburton deprecated the introduction of religious distinctions. He confirmed the statement that in applying for the act the trustees stated they wanted a charter only, having large subscriptions on hand to meet every expense. He was willing to aid it as a grammar school. The English government had given £4000 for erec-



ting Windsor college, and a £1000 a year for its support, the province paying £400 annually. We have not the means of supporting two colleges. If the prayer of this petition be granted, we shall be called on year after year to support it. — Mr. Roach spoke in favor of the petition. He would support every institution for the propagation of knowledge, from the highest to the lowest school in the province. Thought the views of the member for Sydney (Marshall) led to teaching the poor to write and read, and then to send them to be hewers of wood and drawers of water. Mr. Marshall explained that he was friendly to education, but that, like other things, it might be over done. Mr. Ritchie considered the restrictions on dissenters at Windsor was a good reason why the academy at Pictou should be established. He thought the country, however, was too poor to maintain both. When they applied for a charter they led us to believe they would ask for no further boon. The revenue had declined in four years from £120,000 per annum to £35,000. The speaker (Robie) supported the petition. Among other arguments, he said that we were building a palace, (the Province house), and it should not be said we could not give a sum for propagation of knowledge. He asked if we spent money on roads, was it for the use of savages? Commented on Marshall's remark as to war and bloodshed. Was education the cause of the devastations in Russia? Referred to Scotland and New England to prove the benefits education of the people bestowed. Even if this did get on the civil list, what harm was there in that, if it was of public advantage. Mr. Mortimer explained that the subscriptions had not been collected at first, because the act had to await the approbation of the Regent before the matter became a certainty, and the late distresses of the country made many just now unable to pay. £750 had been subscribed, principally by the inhabitants of the harbor parish of Pictou. The committee of the whole resolved to report that this petition be referred to the committee of supply, and the report was agreed to by the house without a division. The foregoing is abridged from the newspaper report, and gives the substance of the arguments on each side on this question, which was but the

commencement of a controversy that long continued to agitate the legislative body of Nova Scotia.

As a general election was impending, some degree of interest was manifested in public affairs. A public meeting was held in the Exchange coffee-house, (the place where the city council now sits), to nominate candidates for the town, but the proceedings seem to have been ill managed, and without effect.

The house had passed a bill granting bounties on raising grain—on salt imported, and on tonnage of fishing vessels. The council rejected the bill. Next day, 19 March, members who felt favorable to the fisheries offered a new bill for a salt bounty, while those who befriended agriculture moved another for a grain bounty, (on grain raised on new lands.) The house, by large majorities, refuse to entertain either measure, deciding by a resolution, 23 to 8, that as they had determined to combine the three objects in one bill, they would not again consider the subject during the present session. An act to encourage the cod and scale fisheries of the province, (giving, I believe, a bounty on the catch), was, however, afterwards passed. Monday, 23 March. An evening sitting took place, unusual in those days. Mr. Shaw, who had advocated earnestly and ably the repeal of the attachment law, now offered a bill for the more equitable distribution of the effects of insolvent debtors. The principle he aimed at was just, and with some care a law might have been framed to carry it out advantageously, but it was deemed too late in the session to proceed with it. The friends of the Pictou academy introduced a bill to repeal so much of the act as required the trustees to be members of the church of England or presbyterians. This passed the house 26 March, and was sent to the council, but nothing more appears of it. The petition of dissenters to have licenses to marry without publication of banns, was discussed. It appears that in the early stages of our colony, the governor, as representative of the sovereign, exercised some of the temporal or *quasi*-temporal functions of a bishop or ordinary, such as granting administration and probate of wills, and licenses to marry without banns. When the act 32 George 2 was passed by the

first provincial assembly, to establish and regulate the church of England here, there was a clause imposing a penalty of £50 on the person celebrating marriages without publication of banns, unless under a license from the governor. It was very usual to marry by license. The practice was for the bridegroom, if in town, to take a friend with him to the secretary's office, to join him in the bond required, which contained £100 penalty, to be incurred if the parties were not competent to be united, as in case one of them had a spouse living, or they were too nearly related. The bond, executed—the fees, 20s. currency, paid, the license was delivered. It was addressed always to some clergyman of the established church; and as it often happened, other protestants wished to be married without publication of banns, the practice arose of the clergyman named in the license transferring it to the minister of the dissenters, and it was said in doing this he got a fee for the assignment. The license was not only directed to a church clergyman, but it specified that the marriages should be conducted according to the forms of the English church, which, when the license was so assigned, they were not and could not be. There was, therefore, much deviation from law in these matters. In the country, blank licenses and blank bonds were kept by the clergy, which saved the parties a journey to Halifax. I believe that marriage by license was wholly unknown and unpracticed in the mother country by either the Scotch church or dissenters. It was, however, now demanded as a right in the petition of the dissenting clergy, who described the introduction into the license of the condition of the marriage service of the Episcopal church being used, and the issuing licenses only to church clergymen, as infringing on their legal rights. The chief speakers on this occasion were Mr. Archibald and Mr. W. H. O. Haliburton. The former contended, in a very ingenious argument, that the governor had a right to grant licenses to marry to all the clergy, both church and dissenters, and not to restrict them to the church form of service. After a long and excellent speech, in which everything to be said on his side was lucidly set forth as carefully as it could be if argued before the bench, in conclu-

sion he stated he was "unwilling to perplex his excellency" "with any application on this subject at present. Our" "opinion and that of H. M. council might not perhaps agree," but it was their duty to pronounce theirs, and to place it upon the journals of the house, that it may be read hereafter and considered. His own was briefly this, that the ministers of all classes of protestants dissenting from the church of England, officiating as such throughout the province, are by law entitled to marry as well by license, under the hand of the governor or commander in chief, as after publication of banns, and that such licenses should not limit the solemnization of marriage to any particular form. The rest of this debate was conducted in the evening sitting, the house meeting again at 7, P. M. Mr. Haliburton had stated in the morning his opinion that it would be better if the marriage licenses were abolished altogether; but if used, he thought they should be issued to all clergymen. He suggested that an act should be passed to remedy the evil. He now expressed his being of a different opinion from his friend Mr. Archibald. He argued for the legality of the restriction of the licenses, while he was anxious to alter that law. He complained that so important a question was put off till this late period of the session, but said 'it was never too late to do good,' and he would give his consent to pass an act to-morrow. 'If H. M. council did not' 'like it, it would shew his excellency that they had done their' 'duty, for he hoped all they did would be made public. If' 'all ministers were allowed the right to marry by license, it' 'would be the means of removing the jealousies which now' 'existed; religious jealousies were of the most dangerous' 'description.' Mr. Mortimer observed that the learned gentleman had given a good text, but he wished him to carry out his views by works. In his opinion, the passing of a law to allow all ordained ministers to marry by licence would most please the wishes of the petitioners. He said there was an influence in the council that would render it in vain to try to pass such a law. If the hon. gentleman had really at heart the petitioners' views, (here Mr. Haliburton, with some warmth, said he really had), he had not, in his opinion, proposed the most



effectual means. 'If religious restrictions did continue, it' 'might bring about consequences of a very unpleasant nature,' 'but he hoped he should never live to see a rebellion in Nova' 'Scotia.' Here he was loudly called to order. He went on for some time complaining bitterly of the church of England, lording it over dissenters. He was not ashamed to be called a presbyterian, &c. Colonel Crane followed, giving a jocose version of magistrates marrying couples. The speaker interposed, stating that the warmth and disorder unfitted the house for calm judgment; and after some further heat, an adjournment took place. Next day the subject was resumed in committee of the whole house. Colonel Crane stated that he agreed with the views of Mr. Haliburton. The speaker explained his views of the law. He shewed that the license system existed for 60 years and more, and that it was peculiar to the church of England. He concurred in the opinion that it was a grievance that dissenters were obliged to apply for a license to the head of a church to which they did not belong. There was not time now to pass a law to amend this, and the absence of the bishop rendered it inadvisable. He finally offered a resolution in favor of the prayer of the petition. Mr. Roach concurred in the views of the law, and also in the necessity of amending it, with the speaker. Mr. Mortimer spoke again of the hardship that 9-10 of the people, being dissenters, sustained. Mr. Marshall explained fully that these licenses were confined to churchmen, and he doubted the power of the legislature to extend them to others; and concluded by stating that the petitioners had not any such cause of complaint as they had stated, and that he did not see how the house could, with propriety, interfere with the subject.—The committee reported in favor of the petition, and the house resolved 'that his excellency the lieutenant governor be' 'requested (in case he shall consider himself authorized by' 'law so to do) to grant licenses to clergymen dissenting from' 'the church of England, authorizing them to celebrate marriages, pursuant to the rites and ceremonies of their respective churches; and that Mr. Speaker do deliver the foregoing resolution to his excellency.' After this, the lieutenant

governor, having given his assent to several bills, prorogued the assembly. In his closing speech he expressed his regret at the course the house had pursued respecting the militia. He dwelt on the importance of protection of the coasts, and calling forth an habitual exercise of public spirit, and pressed the subject on their serious attention. In this session an act of 1816, which regulated and restrained the export trade of gypsum, was repealed. An act for a night watch in Halifax,—an act to lease 25 acres of the Halifax common, in half-acre lots, for 999 years, (the lots were each 66 feet front by 330 in depth), on ground rents,—an act to regulate the opening of coal mines,—an act to prohibit corporate bodies issuing paper money,—an act for £15,000 in province notes, of £5, £2, and £1, were passed this session. The house, during this session, addressed his excellency on the subject of timber duties. They apprehended that parliament would impose an increased duty on timber imported from the B. N. American colonies, and pointed out the damage to the colonies and to the British ship owners and others that this would cause. They also addressed his excellency on the subject of the fisheries, complaining of the resort of fishing vessels to the shores of these provinces,—objecting especially to their passing through the gut of Canso—to their right of fishing in the gulf of St. Lawrence or the bay of Fundy,—complaining also of privileges and monopolies granted in Lower Canada to the fisheries on the Labrador coast.

Theatricals were frequent at this time. Our newspapers frequently had elaborate criticisms on the style of acting. Among the actors, Mr. Blake now appeared as a professional. He was a native of Halifax, led by his taste to adopt the stage as his calling. Afterwards he was long a manager in the United States. His gentlemanly deportment was, no doubt, very serviceable in this career.

25 April. A public meeting called in Halifax, originated a petition to the British government, to make Halifax a free port, so that Americans and other foreigners might have access, and take cargoes either of the produce of the provinces or of any merchandize legally imported. 5 May. Under the

authority of an act passed this year, the lieutenant governor, in council, directed a watch to be established in the town of Halifax for the ensuing three months.—The act empowered the sessions to appoint and regulate the watch. In the Vice admiralty court, S. G. W. Archibald, esq., acted as surrogate, and gave judgment in several causes this season. The duke of Richmond was now appointed governor general, while his son-in-law, Sir Peregrine Maitland, was made lieutenant governor of Upper Canada. 15 May, friday. James Fraser, esq., appointed a member of H. M. council by earl Dalhousie, was sworn in. Mr. F. was a native of Scotland—a merchant largely engaged in the trade and fisheries of Nova Scotia and New Brunswick. He resided in Halifax, and had been a member of the assembly in New Brunswick. One of his sons, James, was afterwards a member of the Nova Scotia assembly, and a daughter of his is the lady of general Sir Charles Gore.

The residence of the earl of Dalhousie at Halifax was instrumental in bringing many persons of title in this direction. Lord S. Kerr was one of his *aides-de-camp*. In the navy we had now admiral Sir David Milne in command ; lord John Hay and Sir John Lewis, captains ; lord viscount Mandeville and the hon. Mr. York, midshipmen, &c. The 4 June was celebrated with the usual salutes, levee, &c., and the officers of the Halifax militia gave a dinner at the exchange coffee-house.

In September, 1817, finding that emigrants from Europe were frequently arriving at Halifax in a destitute condition, the earl of Dalhousie placed £50, with a promise of as much more if requisite, in the hands of messrs. Michael Tobin and Samuel Cunard, two merchants of the town, for the purpose of helping these people on their way to the parts of the province which they preferred. By expending £40, they sent one hundred (men, women and children) to different parts. Of this number, they stated that four-fifths had settled in this country. In December, above 300 persons came to Halifax from Newfoundland, people who had suffered loss from the fires at St. John, N. F., of the 7 and 21 November. Many of

these were single young men, who declared their readiness to proceed to any part of the country, and to work during the winter for their board. Messrs. Tobin and Cunard got the second £50 from the earl, and began to despatch them off in parties of 8, 10 and 12. The greater part went towards Annapolis—some to Truro and the Shubenacadie. They thus disposed of 89 men, at an expence of £45, leaving a balance of £15 in their hands, which they continued to apply in cases where the claimants could secure masters among the farmers who visit the town. These 89, it was believed, had generally secured employment. On the 9 February there remained of emigrants in town 20 families and 30 single men. Their distress, and that of the humbler classes in the town this winter, induced the earl to place £100 more in the hands of messrs. Tobin and Cunard, to be used by them to mitigate the sufferings of the poor in general. ~~✕~~ They, in consequence, established for a time a public soup house, beginning with 50 gallons of soup a day, but in three days they were obliged to double that quantity, finding that 50 lbs. beef, and vegetables, producing 100 gallons a day, did not more than answer the demand. The fitting up the place, and eight days issue, cost over £50; and they supposed their money would all be gone in a fortnight more. They attended constantly in person at the daily issues, and say that 500 daily partook of this gift. “What their” “situation would be without it can only be judged by those” “who see them receiving it.” They estimated that £200 more would be required to keep up the establishment until the pressure of want should be alleviated in some other way. The first £50 was paid out of the arms fund—£100 from the treasury, and the house voted £200 (10 February) for temporary relief of poor at Halifax. A number of emigrants from Wales were assisted to settle in the county of Shelburne in June, 1818. An account for £190 16s. od., expended for their supplies, passage, seed potatoes and implements, is on file.

A despatch, dated 4 March, from lord Bathurst, stated that it was not then the intention of government to submit to parliament ‘any alteration of the law as it now stands, in respect’ ‘to the importation of timber, whether from our own colonies’



‘or from foreign states.’ (By the act of 55 Geo. 3, c. 86, timber from the B. N. A. colonies was exempted from duty until the 25 March, 1820.) One Jethro Mitchell asked leave of government to settle in Nova Scotia, in order to establish a whale fishery there, on condition that he should be allowed to bring with him four American ships, and that British registers should be granted to them, &c. The lords of trade decided against this, on the ground that it gave to foreign ships the privileges of British vessels. To any other encouragement short of that, they did not see any objection.

The Queensbury, packet, arrived at Halifax on thursday, 18 June, and by her a copy of the act of parliament, authorizing the crown to appoint *free ports* in Nova Scotia and New Brunswick. The preamble mentions an act of 47 Geo. 3, permitting the importation of certain enumerated articles into the British colonies on the continent of North America, and several acts continuing it in force. It then says these acts have now expired—that great advantages resulted to these colonies from the facilities thus given to their trade. It then permits the importation of various articles named (being, in effect, lumber, live stock, grain, flour, biscuit, pitch, tar, turpentine, fruits, seeds and tobacco) into such ports in Nova Scotia and New Brunswick as the king should designate. They were not to be imported in foreign vessels unless the cargo should be of the growth, produce or manufacture of the country to which the vessels belong. The re-exportation of any of these articles to the United kingdom and British possessions, in British vessels, built owned and navigated according to law, is permitted. Permission is given to export *gypsum*, grindstones, or other produce or manufacture of Nova Scotia or New Brunswick—British manufactures and West Indian produce, (which had been legally imported), from the appointed free ports in British vessels, or vessels owned by subjects of friendly states; the export, however, in foreign vessels was to be limited to vessels of the country to which they should be carried. The king, in council, was to make regulations as to such imports and exports, and to annex penalties and forfeitures to these

regulations. The act was to be in force for three years, and until six weeks after the then next session of parliament.

The assembly having been dissolved by his excellency's proclamation, dated 11 May, 1818, which directed writs to issue for a general election, to bear teste 18 May, and be returnable on thursday, 1 October next, elections took place accordingly throughout the province. At Halifax, the election for the town and county was opened on monday, 15 June, by Thomas Maynard, esquire, the high sheriff. The former members for the county, messrs. Mortimer, Archibald, Robie and Lawson, were unopposed, and a shew of hands having been taken in their favor, they were declared duly elected. For the township, three candidates appeared: Henry Hezekiah Cogswell, Richard Kidston and John Albro, esquires. The polling went on until noon on wednesday, when Mr. Kidston withdrew, and messrs. Cogswell and Albro were returned. Mr. Cogswell escaped the usual honors of a chairing, pleading the recent death of a child as an excuse; while the populace took the horse from Mr. Albro's carriage, and drew him to his residence in Hollis street. The polling was—

	<i>Cogswell.</i>	<i>Albro.</i>	<i>Kidston.</i>
Monday,	131	140	100
Tuesday,	175	155	110
Wednesday,	77	66	50

At Horton court house, the King's county election was opened on the 25 June. A Mr. Hunt offered as a candidate, apparently for the purpose of delivering a speech, as he did not demand a poll. He spoke of the province as having been prosperous during thirty years of war, and now suffering from want of money, "without resources—not a dollar to be had," "nor a friend to be found who has it." "In such a time as" "this, is it right that we should be sued, and put to unjust" "cost. Gentlemen, the giant, Oppression, appears; he rises" "in full view. It is the overflow of law and oppressive cost" "that is ruining this country. We see nothing—we hear" "nothing but of law and lawyers in the house of assembly," "and in the country. They are rising like locusts in the land" "of Egypt." He describes the heavy expences in suits for

small debts, and gives the last house credit for curtailing them. He proposes abolishing costs on all suits for sums under £100. (As the transactions of debtor and creditor were seldom above that amount, the effect would have been to relieve the debtor of the costs which the creditor must meet, as debts cannot be collected *gratis*.) Mr. Hunt added many judicious remarks. He says: "It is a time of peace and scarcity." "Reform and retrenchment ought to be our motto, not only" "in our public expenditure, but within ourselves. Let us" "turn our thoughts to agriculture and manufactures, and" "study to obtain a free and unshackled commerce; let us" "not imitate the ridiculous policy of the United States, by" "laying on prohibitory taxes, or to enact counter laws against" "all countries. That commonwealth, the only one in all the" "world, is now becoming inflated with her own greatness," "and setting examples it would be dangerous to follow."—"But it is the misfortune of all republics, violence and party" "spirit must prevail under such a government."—26 June. Earl Dalhousie, with his countess, and miss Cochran, (afterwards married to dean Ramsay, of the Scots episcopal church), went on a visit to Chester and that vicinity, in H. M. S. Forth, capt. Sir John Louis.

In the latter part of June and beginning of July, fires in the woods were prevalent near Porter's lake, (where a dwelling house was burnt), through Preston, and in Hammond's plains. The heat from these was greatly felt in the town of Halifax on wednesday, 1 July, the wind blowing strong from the direction of Hammond's plains, and large flakes of fire are said to have been picked up in the streets. Subsequently the woods took fire between Liverpool and Port Mouton, on the West coast, destroying the crops, fences, eight buildings, and much timber. At Sheet harbor, on the East coast, the woods were burning, and a dwelling house was destroyed.

By an order in council, made by the Regent, at the court in Carlton house, 27 May; Halifax, in Nova Scotia, and Saint John, in New Brunswick, were made free ports under the recent act. The news arrived here in July; and by a proclamation, dated 13 August, the lieutenant governor, by advice of

H. M. council, declared the port of Halifax now open, accordingly.

The letters of Agricola appeared in the *Acadian Recorder* : the first letter in the paper of saturday, July 25, 1818, and the twenty-third in that of 26 Decemb̃er, in the same year.

It was in this season that general Andrew Jackson, afterwards president of the United States, caused two British subjects in Florida to be put to death, under pretext that they were aiding the Indians against the American troops. The names of the victims were Arbuthnot and Ambrister. The court martial he appointed found them guilty.

Eight American fishing vessels were seized this summer by the navy on the station, and sent into Halifax harbor. Five were released, and warned not to return, while three that had been discovered fishing in the harbors East of Halifax, were libelled in the provincial Vice admiralty court. On 21 August, Crofton Uniacke, then judge of Admiralty, pronounced a decree in the case of the *Nabby*, seized by H. M. S. *Saracen*. This vessel had been fishing within sight of the isle of Sable, and had also sold goods in Pope's harbor. The judge decided that the court, not having received authority to act as a Prize court, could not entertain a suit to settle the fishery question ; but there being proof of trading against her, and the plea of distress offered to justify her entering our ports having been, in his opinion, insufficient, he finally, after an elaborate explanation of his legal views on both points, condemned the vessel and her contents to be confiscated for breach of the laws of trade and navigation.

The rev. Edmund Burke, who had long been pastor of the Roman catholic church in Halifax, and had also acted as vicar general in Nova Scotia of the bishop of Quebec, was appointed a R. C. bishop for Nova Scotia, being the first bishop of that church in the province. He was installed with due ceremony at Quebec, by the bishop and clergy, on sunday, 5 July.—In August, another disastrous fire took place at St. John's, N. F. The duke of Richmond having arrived in Canada, Sir John C. Sherbrooke left for England. The duke issued, 11 August, an order, in which, as commander-in-chief, he wishes him a



safe voyage and restoration to health. This is signed by J. Harvey, lieut. colonel D. A. general, (afterwards Sir John Harvey, lieutenant governor of several provinces successively, who died here in office.) He was son-in-law of the duke of Richmond.

Theatrical performances continued to be popular. I find in September, 1818, the names of Mrs, Young, Mr. Placide, and other professionals, among the names placarded ; and shortly after two rival companies held their performances. The earl and countess Dalhousie paid a visit to Pictou. (11 Sept'r. William Black, brother of the hon. John Black, of Halifax, was sworn in as a member of H. M. council in New Brunswick. He was afterwards mayor of St. John, then a government appointment, and, I think, also administered the affairs of that province as senior councillor. Both brothers were from Scotland.) —The price of superfine flour at Halifax at this time was £3 (or 12 dollars) a barrel, and of hay £5 (or 20 dollars) a ton.

The letters of *Agricola* attracted great attention from their intrinsic merit, which was increased by the mystery as to their authorship. In consequence of suggestions they contained, agricultural societies were rapidly organized in different counties and settlements, and ploughing matches took place, many of the prominent men of the country taking part, and their proceedings were published, as were many letters addressed to the yet unknown *Agricola*.

The trade of Lunenburg was noted thus in the newspapers : Nine vessels arrived there in the month of October—two from Halifax, the rest from abroad. Besides these, 40 or 50 coasters had made two or three trips each to Halifax during the same month, laden with cordwood, hay, vegetables, sheep, butter, &c., from the different harbors in the county of Lunenburg.

In honor of his excellency, the festival of St. Andrew was celebrated by a banquet of the North British society, at Mason hall, on monday, 30 November, with more than ordinary attention. "The hall was handsomely decorated. His excellency" "the right hon. the earl of Dalhousie, attended by the president of the society, the hon. judge Halliburton ; vice presi—"

“dent, Mr. George Mitchell, and the members, with a num-”  
“ber of distinguished guests, amongst whom were lord”  
“Schomberg Kerr, captain Sir John Louis, colonel Mackie,”  
“colonel Darling, lieut. colonel Arnold, lieut. colonel Beres-”  
“ford, the rector of St. Paul’s, the right rev. the bishop of”  
“the Roman catholic church, the collector of H. M. customs,”  
“&c.” The dinner over, many toasts were given. In the  
course of the evening, the “earl of Dalhousie rose to propose”  
“the health of a gentleman, who, though unknown to him, he”  
“was certain, from his writing, deserved the appellation of a”  
“scholar and a patriot; and whose exertions in the cause of”  
“the prosperity of the country called forth the esteem of”  
“every friend to its welfare.” After many other remarks, he  
gave ‘the health of Agricola, and success to his labors.’ The  
toast was received with eclat, and judge Halliburton spoke in  
eulogy of the earl as a promoter of our agriculture. On saturday,  
12 December, a notice appeared from ‘Agricola,’ that  
lord Dalhousie would preside in person on tuesday, the 15th,  
at noon, at a public meeting to form a *central society* of agriculture.  
The meeting was held at Mason hall. Speeches  
were made by the earl and by Mr. Archibald, who moved resolutions  
to form a ‘Provincial Agricultural Society,’—lord  
Dalhousie to be president,—the secretary and treasurer to be  
paid, but all other offices honorary. The governor, and members  
of H. M. council and assembly, to be *ex officio* members.  
The chief justice was made vice president. Judge Halliburton  
was to act as secretary until ‘Agricola’ disclosed himself, who  
was then to fill that office. Rev. Dr. Inglis also took part in  
the proceedings, and so did Mr. Robie, the solicitor general.  
Five directors and twenty committee-men were named. £350  
donations were subscribed, of which the earl gave 100 guineas,  
and 120 persons joined the society.

## APPENDIX TO CHAPTER XXXII.

## (1.)

*Extract from Acadian Recorder, newspaper, of Saturday, 7 Feb'y., 1818.*

'A census of the inhabitants of this town has been recently taken. The following is the statement: Men above 50, (whites), 457; between 16 and 50, '2657; boys, 2120; women, 3076; girls, 2101;—Total, 10,411. Men above '50, (blacks), 45; between 16 and 50, 200; boys, 146; women, 210; girls, 114; '—Total, 745. Total inhabitants, 11,156.'

'From a census, taken by order of government in 1791, it appears that there 'were at that time, males above 16 years of age, 1301; under 16, 931; females, '2209; blacks, 422;—Total, 4897.' (It was stated in debate, on 16 March, 1818, in the assembly, by the speaker, that the population of the whole province, according to the census, was then 77,000.)

Population of Halifax, by a census of 1752, was 4249.

## (2.)

Halifax harbor was frozen over 10 February, 1817. On the 12th, the ice was strong enough for crossing, and the people went from Halifax to Dartmouth on it. One man was drowned at midnight; losing his way, he went through in an insecure spot.

## (3.)

Account of sundry fish, &c., shipped from Lunenburg, for the British West Indies, on board of four schooners and three brigs, between the 12th January and 25th March, 1818:—

150,000 feet of pine lumber, 24,850 oak and ash hogshead staves, 8500 hogshead hoops, 1300 gallons of fish oil, 453 barrels of pickled fish, 24 half do. do., 5320 quintals dry cod and scale fish, 220 bushels of potatoes, 15 do turnips, 53 shooks, 20 spars, 11,000 shingles.—*Acadian Recorder, May 9, 1818.*

## (4.)

Died, in the United States, this year, Sir John Oldmixon, baronet.

## (5.)

*Extracts from Goodrich's History of the United States. New York, 1829.*

The Indians, denominated Seminole Indians, inhabited a tract of country, partly within the limits of the United States, but a greater part of which lies within the boundaries of the Floridas. They originally consisted of fugitives from the northern tribes, resident within the limits of the United States. After the treaty of 1814 with the Creek Indians, a considerable addition was made to these fugitives from the Creeks, numbers of whom, being dissatisfied with the provisions of that treaty, withdrew to the Seminoles, carrying with them feelings of hostility against the United States. These feelings seem to have been much

strengthened by foreign emissaries, who had taken up their residence among them for the purposes of trade, among whom, as the most conspicuous, were two Englishmen, Alexander Arbuthnot and Robert C. Ambrister.

Deeming it necessary for the subjugation of the Seminoles, to enter Florida, General Jackson marched upon St. Marks, a feeble Spanish garrison, in which some Indians had taken refuge. Of this garrison, General Jackson quietly took possession, and occupied it as an American post. At St. Marks was found Alexander Arbuthnot, who was taken prisoner, and put in confinement. At the same time were taken two Indian chiefs, one of whom pretended to possess the spirit of prophecy ; they were hung without trial. St. Marks being garrisoned by American troops, the army marched to Suwaney river, on which they found a large Indian village, which was consumed, after which the army returned to St. Marks, bringing with them Robert C. Ambrister, who had been taken prisoner on their march to Suwaney. During the halt of the army for a few days at St. Marks, a general court martial was called, upon whose result, General Jackson issued the following general order. "At a special court martial, commenced on the 26th instant, at St. Marks, and continued until the night of the 28th, of which brevet major-general E. P. Gaines was president, was tried A. Arbuthnot, on the following charges and specifications, viz :

Charge 1st, Exciting and stirring up the Creek Indians to war against the United States and her citizens, he, A. Arbuthnot, being a subject of Great Britain, with whom the United States are at peace.

Charge 2d, Acting as a spy ; aiding, abetting, and comforting the enemy, and supplying them with the means of war.

Charge 3d, Exciting the Indians to murder and destroy William Hambly and Edmund Doyle, confiscate their property, and causing their arrest, with a view to their condemnation to death, and the seizure of their property, they being citizens of Spain, on account of their active and zealous exertions to maintain peace between Spain, the United States, and the Indians.

To which charges the prisoner pleaded not guilty.

The court, after mature deliberation on the evidence adduced, find the prisoner, A. Arbuthnot, guilty of the first charge, and guilty of the second charge, leaving out the words "acting as a spy;" and after mature reflection, sentence him, A. Arbuthnot, to *be suspended by the neck, until he is dead.*

Was also tried, Robert C. Ambrister, on the following charges, viz. :

Charge 1st, Aiding, abetting, and comforting the enemy, and supplying them with the means of war, he being a subject of Great Britain, who are at peace with the United States, and late an officer in the British colonial marines.

Charge 2d, Leading and commanding the lower Creek Indians in carrying on a war against the United States.

To which charges the prisoner pleaded as follows : to the first charge, not guilty ; to the second charge, guilty, and justification.

The court, on examination of evidence, and on mature deliberation, find the prisoner, Robert C. Ambrister, guilty of the first and second charges, and do therefore sentence him to suffer *death* by being *shot*. The members requesting a reconsideration of the vote on this sentence, and it being had, they sentence the prisoner to receive fifty stripes on his bare back, and be confined with a ball and chain, to hard labor for twelve calendar months. The commanding general approves the finding and sentence of the court, in the case of A. Arbuthnot, and



approves the finding and *first* sentence of the court in the case of Robert C. Ambrister, and disapproves the reconsideration of the sentence of the honorable court in this case.

It appears from the evidence and pleading of the prisoner that he did lead and command within the territory of Spain, (being a subject of Great Britain), the Indians in war against the United States, those nations being at peace. It is an established principle of the laws of nations, that any individual of a nation making war against the citizens of any other nation, they being at peace, forfeits his allegiance, and becomes an outlaw and pirate. This is the case of Robert C. Ambrister, clearly shown by the evidence adduced.

The commanding general orders that brevet major A. D. C. Fanning, of the corps of artillery, will have, between the hours of eight and nine o'clock, A. M., A. Arbuthnot suspended by the neck with a rope, until he is *dead*, and Robert C. Ambrister, to be shot to *death*, agreeably to the sentence of the court.

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NOTE.—This matter was brought before Congress by a report, in the house of representatives, of their committee on military affairs, condemning, in the plainest terms, the illegal, cruel and unjust proceeding ; but the majority decided to take no action on the matter. It was also referred to in Parliament, on a motion for papers on the subject in the house of lords ; but earls Bathurst and Liverpool declared that Great Britain could not demand reparation consistently with the law of nations, arguing that if protection was due by government to the persons so situated, it would be equally due to the British adventurers engaged in South America against the Spanish government. In this instance it seems to me that Congress sacrificed right and honor to the influence and popularity of general Jackson ; and the British ministry allowed ideas of expedience to mislead them, as an earlier cabinet had done in the case of admiral Byng.—[*B. M., Oct'r., 1866.*]

## CHAPTER XXXIII.

1819. The cold of North America in winter, which is as remarkable as its great heat in summer, causing its climate to differ essentially from that of the countries of Europe in the same parallels of latitude, is evidenced by the following notice in the papers of the time: 'Philadelphia, Dec'r. 12,' (1818.) 'The ice is accumulating in our river. The weather to-day' 'is intensely cold, and should it continue with its present' 'severity, the river will, doubtless, be completely ice-locked.' 'The river Susquehannah was so firmly frozen on the even-' 'ing of the 20th, that the passengers from Baltimore walked' 'over from Havre de Grace, and the luggage and mail were' 'drawn across on sleds.' — 'New York, Dec'r. 21. The Phila-' 'delphia Register, of saturday, states that the navigation of' 'the Delaware is impeded by the ice, and that the Schuylkill' 'is frozen over.'

The theatre on Fairbanks' wharf continued to be kept open this winter. It may be remarked that the actors of this stage in 1817, 1818 and 1819 were not only possessed of much dramatic ability, but in their life and conduct were respectable. Most of the objections to the stage seem to have their foundation in the abuses to which it is subject. It is perhaps very difficult to keep it from vice, buffoonery and absurdity; but if separated from such appendages, its influence would operate to the advancement of the intellect. Price, Placide, and Mrs. Young, were deserving of every respect, and exhibited unusual powers; and there were many others of the company possessed of great mimetic talent.

On the 20 October, 1819, a treaty or convention was made at London, between Great Britain and the United States, which was ratified at Washington by president James Monroe, 30 January, 1819. Article 1. gave liberty to the Americans to fish on the Southern coast of Newfoundland, from cape Ray to the Rameau islands ; on the Western and Northern coasts of N. F., from cape Ray to the Quirpon islands, or the shores of the Magdalen islands ; also on the coast of Labrador, from Mount Joly to and through the streights of Belleisle, and thence North Westerly, &c., with liberty also to dry and cure fish in unsettled places on the same shores, and in settled places by agreement with the residents. The Americans renounce *for ever* any liberty before enjoyed or claimed 'to take, dry or cure fish on or within three marine miles of' 'the coasts, bays, creeks or harbors of H. B. majesty's domin-' 'ions in America, not included in the above mentioned limits.' (This treaty was understood to allow the Americans to fish near shore at the Magdalen islands.) A right, however, was reserved to American fishermen to enter such bays and harbors 'for the purpose of shelter, and of repairing damages' 'therein—of purchasing wood and of obtaining water, and' 'for no other purpose whatever.' The 2d. and 3d. articles concern the bounds of territory from the lake of the Woods to the Stony mountains. The 4th continues the commercial convention of London, 3 July, 1815, for ten years. The 5th agrees to refer a question under 1st clause of the treaty of Ghent, respecting compensation to U. S. citizens for captured slaves, to the decision of some friendly sovereign or states.

It may be worth notice here, that at this time the legislature of Upper Canada, where Sir P. Maitland commanded, passed an extraordinary law, declaring all meetings of delegates to act by petition or deliberate upon public affairs, to be unlawful assemblies, and making it a misdemeanor to give notice of any election of such delegates, or attend, vote or act therein. There was also a law of that province, (44 Geo. 3), by which persons who had not been six months inhabitants of the province, or had not taken the oath of allegiance, were made liable to arrest and banishment from the province if guilty of

sedition language, or acting so as to be fairly suspected of attempts to seduce the people from their loyalty, or to disturb the tranquillity of the province. Under color of this last-named law, Robert Gourlay, a Scotchman, was arrested, and after a verbal examination before messrs. Dickson and Claus, members of the legislative council, who had signed the warrant for his capture on the affidavit of one Isaac Swayze, he was ordered to leave the province in ten days. Gourlay preferred remaining in prison. Gourlay was certainly a radical reformer of the extreme English type of that period, — friend and follower of Cobbett, Hone, &c. ; but as he had been a year and a half in Upper Canada, where he owned land, and had taken the oath of allegiance and commanded volunteer militia, he could hardly be subjected to this treatment, unless the law was strained by sophistry to meet a political or private purpose. Gourlay esteemed himself a martyr to liberty, and possibly there were those who thought him persecuted for his sympathy with the interests of the people. He was a man of some intellect and much energy and perseverance. I cannot help thinking that the severities exercised towards him were injurious to the public peace, and, along with other acts of a similar complexion, helped to originate an extreme party in the Upper province of a radical or rather democratic character. Although not strictly within the limits of this work, I think it right to notice occurrences of this kind occasionally, as the progress of opinion in a colony often acts upon the feelings of other communities where the constitutions are alike. The infringement of the laws which protect the subject's rights in one province is calculated to alarm all those in neighbor colonies who set a value on their legal privileges.

The assembly met thursday, 11th February, (11th general assembly — 1st session.) The members returned were :

For county of Halifax : Edward Mortimer, William Lawson, Simon Bradstreet Robie, Samuel George William Archibald.

County of Annapolis : Thomas Ritchie, John Warwick.

“ Lunenburg : Francis Rudolf, John Heckman.

“ Cumberland : Thomas Roach, Henry Purdy.

“ King's : William Allen Chipman, Elisha Dewolf.



County of Queens : Snow Parker, John Barss.

“ Hants : Shubael Dimock, William Hersey Otis Haliburton.

“ Shelburne : John Bingay, Abraham Lent.

“ Sydney : Robert Mollison Cutler, Thos. Dickson.

Town of Halifax : Henry Hezekiah Cogswell, John Albro.

“ Truro : William Dickson.

“ Onslow : Robert Dickson.

“ Londonderry : James Flemming.

“ Annapolis : Thomas Ritchie.

“ Granville : Timothy Ruggles, junior.

“ Digby : William Henry Roach.

“ Lunenburg : Edward James.

“ Amherst : James Shannon Morse.

“ Horton : Jonathan Crane.

“ Cornwallis : Charles Ramage Prescott.

“ Liverpool : Joseph Freeman.

“ Windsor : William Fraser.

“ Falmouth : William Young.

“ Newport : John Allison.

“ Shelburne : Jared Ingersol Chipman.

“ Barrington : William Browne Sargent.

“ Yarmouth : Samuel Sheldon Poole.

The whole of the members returned were present on the day of meeting, and about noon were sworn in by Mr. Uniacke, the attorney general, Stewart, solicitor general, and judge Brenton Haliburton. Of all the members of the legislature at this period, all are dead, except J. S. Morse, esquire, of Amherst. This was the first meeting of the assembly in the Province house, then just finished, having been nearly eight years in building. At half-past 2, P. M., his excellency earl Dalhousie went in state to the council room, and sent a message by the secretary of the province, Mr. Rupert Denis George, to the members of the house, directing them to choose a speaker, and present him for the lieutenant governor's approbation. Mr. Robie was chosen speaker by unanimous vote, and presented to his excellency by the senior member of the house, colonel Crane. The earl approved their choice, and

assented in the usual form to the speaker's demand of privileges. After these forms, lord Dalhousie opened the session with a speech. In this he mentioned the death of queen Charlotte, which took place 17 November previous. He congratulated the assembly on the abundant crops of the two past seasons—the success of the fisheries, and the revival of commerce. He expressed his opinion that the system in use for road making required material alteration. He adverted to the militia laws, suggesting that a smaller number of men should be trained and made more efficient. He promised to offer a measure for agricultural improvement, and a plan for a college in Halifax, open to all classes and sects. He congratulates them on occupying ‘this splendid building, erected for the’ ‘reception of the legislature, the courts of justice, and all the’ ‘public offices. It stands, and will stand, I hope, to the latest’ ‘posterity, a proud record of the public spirit at this period of’ ‘our history; and as I do consider this magnificent work’ ‘equally honorable and useful to the province, I recommend’ ‘it to your continued protection.’ He tells them the receipts of revenue in the past year had diminished considerably, but that it was now gradually improving. Further issue of notes would be required. He says ‘this happy country is yet ignorant of the influence of party or of faction.’ ‘Nova Scotia,’ ‘resting secure under the powerful protection of the British’ ‘crown, has nothing to do with foreign connections or political questions: the prosperity—the improvement—the’ ‘happiness of the land you live in, are the important and the’ ‘only objects of your deliberation.’ Friday, 12 Feb’y. Petitions were received against the sitting member for Digby. John F. Hughes, who claimed the seat, and certain freeholders also petitioned, on the ground of bad votes received and inattention of the sheriff. 17 Feb’y. His excellency sent to the house a proposed system to govern the road service. He thought there were too many commissioners employed—wished to remove the restrictions on any commissioner having charge of more than £500, and that the sums granted for the great roads should be placed under control of H. M. council, and the monies intended for cross roads under the manage-

ment of the justices of peace and the grand juries ; that the tools for work be provided at the expense of the counties, and that commissioners should have power to act for one year. This message was taken into consideration by the house, in committee of the whole, on the 18th. Messrs. Parker, Dimock, Archibald, Poole, Crane, Chipman, T. Roach, Mortimer, Haliburton, Lawson, &c., spoke on the subject. The general sentiment was adverse to most of the suggestions in the message. The council was supposed to have already enough control over the appointment of commissioners. It was believed that dissension and mischief would ensue if the bye-roads were placed in the hands of the sessions and grand juries. However, as some part of the proposal accorded with the views of the house, a committee was named to report a bill on the subject. On the 19th, the changes recommended by the earl in the militia system, were discussed. Colonel Crane thought it a prudent measure to reduce the militia in time of peace. There was, he observed, no probability of a war, and our men would be required in agricultural pursuits. Mr. Haliburton considered the reduction of the militia the most important part of the plan. He seemed to apprehend it would increase the burthens of the poor by taking them long distances to drill. He said the people used their guns in shooting, and thus obtained skill in handling them. Mr. Archibald described the militia as but a name—the name of battalions without a sufficient force under arms. He appealed to our gratitude to the mother country ; said the Americans were training their militia rigidly ; argued that lord Dalhousie was the most competent judge on this subject. There were now 26 battalions, but the officers were, in general, as ignorant of duty as the men. The feelings of those who now hold commissions ought not to sway the house. The militia was numbered 13,000. His lordship's plan would reduce it to 6000, and thus relieve more than half. Another part of the plan was to enrol the men for seven years, at the end of which others took their places for an equal term. Again, it was intended to erect block-houses in different parts of the country. The conclusion he came to was to adopt the earl's plan. Mr. Haliburton

said that scarcely half of the 13,000 men now attended, and it would be the same of the 6000. The hon. gentleman, he observed, seemed to take it all for granted that what the governor recommended must be right, but that it would ill become the representatives of the people to flinch from their duty from speaking their sentiments freely to his excellency. Mr. William Allen Chipman said the difficulty was how the men were to be embodied so as to remain together for seven years. Many of the men were here to-day and gone to-morrow. Were they to be taken by force and compelled to serve, whilst others were allowed to look on? He thought that would be an extremely hard case. It was a serious question, and one of the greatest importance to the liberties of the people. Mr. Ritchie thought if any of the gentleman was dissatisfied with the present state of the militia, he should suggest something better if he could. Mr. Roach thought that no one could say the present system of the militia was a good one; approved of some parts of the plan offered, but saw difficulties; wished to treat his excellency's recommendation with respect. Mr. J. I. Chipman suggested that they should appoint a committee to wait on the lieutenant governor, to ask for further information on the subject. Mr. Haliburton observed, that during the American war no inconvenience was felt in the present system, and he thought it strange that in time of peace we should find difficulties that did not exist then. It appeared from the plan, we were to take a part of the best class and enrol them for the term of seven years. If it was necessary to drill them so frequently now, how happens it that it was not necessary in time of war? One quarter of the militia, he believed, were laborers, and when they arrive at the age of twenty-one they remove to different places, and it would be found necessary to have recourse to continual drafts to supply their places. In reviewing the present system, he could not bring his mind to think that any plan was better than the one at present established. They might, however, he thought, make a provisional law in case of invasion, and as has been justly observed, the subject could not be too well considered before they said anything to his excellency about it. He would never consent to



deviate from the constitutional forms of the house, and if they did not approve of the proposed alteration, it was their duty to tell his excellency so, in the most proper and respectful manner. Mr. Mortimer thought we had no militia at all, for all the service required of them was to turn out three days in the year; approved of the plan as far as the staff officers were concerned, but not of the reduction of the battalions; was in favor of conference with the lieutenant governor, proposed by the member for Shelburne, (J. I. Chipman.) Much debating ensued as to the prudence of negotiating by committee with the lieutenant governor. Mr. Ritchie spoke at some length to prove that the conference suggested was unconstitutional. He said, (after many other remarks), 'Does not such a conference as is proposed amount to telling him, before we have determined on the subject, that we are willing to alter the system, and we wish to alter it so as to meet his approbation?' He treated it as unprecedented in their dealings with the council or the governor, and pointed out the modes of getting further information by sending for parties to the bar, or addressing his excellency. The message had given the outlines of the plan, leaving the details for them to fill in; and he concluded by solemnly protesting against such a course as had been proposed, as a sacrifice of their independant principles as legislators. After some further debate, in which Mr. Archibald referred to the usual conferences with the council to explain a message, and Mr. Ritchie treated the motion as a mode of *fishing* from the earl his views, the committee adjourned the debate. On saturday, 20 February, on a division in committee of the whole house, the motion of Mr. J. I. Chipman, for a conference, was negatived by a majority of two. On monday, 22d, this subject was resumed, on the return of the Inspecting field officer of militia being read. Colonel William Dickson, member for Truro, stated that he was not able to comprehend his excellency's views on the subject, particularly as regards the reduction of the battalions. His excellency seemed to think the offices of Quarter-master and adjutant generals of militia were not of much use towards rendering them more efficient, and that both offices might be

executed by one person. This amendment, he thought, was a very proper one. During the late war, he said, there were three inspecting field officers, for the Western, Eastern, and Middle districts respectively. He obtained much of the little knowledge he possessed of military affairs from some of these gentlemen. Colonel D. added some remarks about the militia of his own command. After several other speeches and suggestions, Mr. Roach (of Cumberland) moved that a committee be appointed to report 'what amendments are necessary to' 'be made to the present militia law,' which was adopted by the committee and passed by the house. On this, a committee of eleven members was named. This committee reported next day, to alter the age of enrolment, to be from 18 to 60, instead of 16 to 60: that the first class for service be from 18 to 40: to add one day for battalion meeting, and to provide for two inspecting field officers in place of the adjutant and quartermaster general.

In the public accounts, there appears to the credit of the province a revenue for 1818 of £53,275 14s. 9½d.,—on the Dr. side £58,681 12s. 8½d., leaving a balance of debt of £5,405 17s. 11d. On 31 Dec'r., 1818, there was £15,275 14s. 9½d. cash in hand, of which £583 6s. 8d. was copper coinage. In the debits are included the amount of treasury notes in circulation, £39,691 10s. 0d.; and that of loan certificates, bearing interest for notes funded and cancelled, £11,950 0s. 0d.—24 Feb'y. In the Digby election case, William Winniett, esq., sheriff of Annapolis county, was examined at the bar of the house, the questions being put to him by the speaker. On admitting that a scrutiny had been demanded, he was directed to amend his return by inserting that fact. On March 2, 3 and 4th, counsel witnesses were heard at the bar of the house on the Digby election petition. On the 5th, the question of marriage licences arose again on a petition, and a bill was ordered to settle the right. A loan bill, and one to appoint prothonotaries, were dismissed about this time. March 6, counsel on both sides were heard; and on March 24, evidence was heard at the bar on behalf of petitioner and the sitting member for Digby, W. H. Roach; and the house resolved, without a divi-

sion, to set aside the election and request a new writ. In the committee of the whole house on Ways and Means, 11th March, it was generally agreed that the revenue must be increased by new duties to meet the year's expenditure, which was estimated at about £50,000. On the 13th, different taxes were proposed, viz.,  $2\frac{1}{2}$  per cent. additional on merchandize imported by non-residents,—duties on auction sales—on tobacco—on flour—on gin, brandy and wine. 3 March. The house arrested a person for contempt committed in their presence. He was sitting in the gallery, which then ran round three sides of the room, and spoke aloud in terms offensive to a member. He remained in jail until 25 March, when the house ordered his discharge.

26 March. £14,000 for roads and bridges was sub-divided, in sums varying from £5 to £350, after which other sums were voted. The total for this service being over £16,000. £500 was granted to the Pictou academy; £200 to Acadian school; £2000 for a college at Halifax, (Dalhousie college;) £400 for Inspecting field officers of militia; £520 for communication by post. (As the post office was under Imperial officers then, it became usual to obtain the benefit of local offices and couriers in places not producing postage revenue enough to cover expences, by a provincial temporary grant, which was received and managed by the deputy postmaster general at Halifax.) £1500 was granted to the Agricultural society. (Mr. Young had now avowed the authorship of the letters signed Agricola, and accepted the office of secretary of the society; and on his excellency's recommendation to aid the movement, this sum was voted to pay for premiums, publications, salaries, and other expences.) £6000 was voted to complete the Province building.

A joint address of both houses to the lieutenant governor, respecting marriage licences, containing their reasons for passing the bill to authorize the governor to grant them to clergymen not of the church of England, was adopted, in order that he might communicate its statements to his majesty's ministers.

On saturday, 17 April, the assembly was prorogued. The

earl, in his closing speech, notices 'the zealous and continued' 'attention' of the members of the legislature during this unusually long session,—their loyal address to the Regent on the death of queen Charlotte,—the vote towards his college at Halifax, and to the agricultural society. He then says he regrets that the alterations he had suggested as to the militia and the road service, were not adopted. He states he 'had' 'been led to entertain better hopes in the commencement of' 'the session,' and that he saw that his intentions had been entirely misunderstood on both subjects. The house had passed a vote of £1500 for the pay of members, which the council disagreed to. Afterwards they voted 20s. a day to each member, not to exceed 35 days' pay to any member, which vote was agreed to by the council. The earl says of this in his speech: 'I observe, with regret, that the appropriation act contains a vote which I could not approve under any circumstances, much less under the difficulties which are felt in a' 'revenue inadequate to the wants of the public service;' and adds that he has yielded his own opinion on the point in deference to that of the other two branches of the legislature. In this session a joint committee of both houses was appointed to enquire into the state of trade, and the measures necessary to promote the prosperity and provide for the future security of the British North American provinces, and counteract the ambitious projects of the United States. Messrs. Wallace, Uniacke and Fraser, of the council, and Ritchie, Mortimer, Prescott, Freeman, Cogswell, Roach and Bingay, of the house, were the committee. They prepared an address to the Regent, and a report. The address was sent to the Prince through the lieutenant governor, and the report was printed for distribution to the governors, speakers of assembly, &c., of the other provinces. The address is in the journal of 1820, pp. 109–110. [*See also pp. 111, 118, 129, of same journal.*] In it they complain of the 'insatiable ambition' of the United States—their seizure of Florida—the hostility cherished to every thing 'British—their fortifications on the frontier and on the coasts—inland navigations and military roads constructed 'for the' 'obvious purpose of entering into British America with rapi-



‘dity and ease,’ and the creation of land and sea forces. They ask for removal of restrictions on colonial trade, and for aid to form inland navigation and roads for easy communication between the provinces, and to enable them to assist and defend each other ; and for wise regulation to turn the stream of emigration from the United States towards these colonies. They refer to the vast territory of British America, and say that if thus aided ‘we would soon rise to a power and strength’ ‘that would appal any enemy who might meditate an attack’ ‘on us.’ They allege Nova Scotia being the ‘senior British’ ‘government in the North American colonies’ as justifying their moving in the general interest of all. The report went into many points. It suggested : 1. Frontier fortresses. 2. Canals. 3. Military road from Frederickton to Bic, in Lower Canada. 5. The same freedom of trade with all the world that the United States had acquired. 6. Laying out lands for settlers. 7. Prohibiting foreign vessels taking out passengers. 8. Duties and restrictions on foreign trade to the British West Indies. 9. Encourage American whalers, &c. to settle here. 10. Establishing governments in Labrador and Belleisle straits to secure British interests in the fisheries. 11. Regulations as to shore fishery under the late convention. 12. Reunion of Cape Breton and P. E. Island to Nova Scotia. Some of the above particulars are from a newspaper abridgement of the report, as that document is not on the journal ; but a copy of it is to be found in the Weekly Chronicle of 29 October, 1819, (filed vol. in the city free library at Halifax.)

Among the acts passed in the session of 1819, we find chapter 9 is a loan act. £10,000 was to be issued in treasury notes, of £5, £2 and £1. This paper was to be lent in the counties of Annapolis and King’s, to owners of land, in sums from £25 to £200, on mortgage of their properties. Each county was limited to £5000. Interest was to be paid yearly, and the principal repaid one-third in 1822—one-third in 1825, and the remaining third in 1828. The act was rigidly drawn, with all kinds of guards for the public interest. Another act to appoint clerks of the Supreme court, in effect annulling Thomson, the prothonotary’s patent, on the ground of his non-

residence, was disallowed by the crown. An act to build the Windsor bridge by lottery, to raise £9000. A marriage license act.

In reading over the reports of the debates in the house at this time. I feel bound to notice the talent displayed by many of the members. Although educational establishments had, as yet, effected little for the people, yet, in 1819, men like Ritchie, Robie, Haliburton and Archibald, (natives of the province), exhibited statesmanlike ideas, a power of subtle reasoning and much eloquence. There was also at the period a manly tone of independance which gave dignity to the representatives of a free, though not a numerous or wealthy people. William Allen Chipman, from King's, Shubael Dimock, from Hants, and William Lawson, from Halifax, though not remarkable for oratory, were conspicuous for good sense, firmness, and a readiness to defend the public interests. Roach, of Cumberland, was a man of good natural ability. John J. Marshall, who was in the previous house, and afterwards was again a member, exhibited great shrewdness and perseverance. Although the talent displayed in the days of Barclay and his compeers was possibly more classical and refined, it was all, or nearly all, imported from older communities; but natives were now rising to eminence by the dint of their own exertions, and working their way to distinction, in the assembly, in the law, in trade, as well as in the navy and army.

The Supreme court was held in the 'Province house,' or as it is more frequently called 'Province building,' on 6 April, 1819, being its first sitting in that place; and the grand jury, after their duties were accomplished for Easter term, addressed chief justice Blowers. They expressed their gratitude to the legislature for erecting the house, which they eulogised highly, and complimented the chief justice and the other judges.

In May, a new great seal for this province was sent out by earl Bathurst.

The election at Digby began 12 May and ended the 18th. W. H. Roach was returned with a majority of twenty-one votes. 20 May. The lieutenant governor and council issued a new

general commission of the peace. In this list (except the bishop) there are no clergymen of any denomination.

The ship *Asia*, from the isle of Wight, with detachments of artillery, and of the 15, 60, 62 and 74th regiments, struck on the N. W. reef of Sable island, in hazy weather, at 5, A. M., on the 2d June. At noon she was apparently about 4 miles from the island. By great exertions all on board were saved. Mrs. Mosse and child, Mrs. Almon, Miss Almon, (belonging to Halifax), and the wives and children of officers and men, were among the passengers. Some officers, who left the ship in her pinnace, with women and children, could not gain the island, but were rescued at sea by the American schooner *Phœbe & Sally*, Stephen Howes, master, from Boston. On this occasion the utility of the establishment was obvious, as without it a lingering death by hunger would probably have awaited the crew and passengers.

10 June. John McColla, lieutenant colonel and adjutant general of the militia, was appointed Inspecting field officer for the counties of Halifax, Hants, King's, Cumberland and Sydney; and major Smith, 62d regiment, I. F. O., in the counties of Annapolis, Shelburne, Queens and Lunenburg. In the *Acadian Recorder*, of June 19, 1819, there is a list of vessels belonging to Liverpool, N. S., comprizing 5 brigs, 12 schooners and 1 sloop, engaged in the fisheries,—2 ships, 10 brigs, and 3 schooners, in the West India trade,—1 brig for Saint Andrews, and 2 brigs for England;—in all, 36 merchant vessels. I observe in the same paper an advertisement offering to buy rags, canvas and junk. This reminds me, as it would some of my Halifax readers, that the first, and, I fear, the only paper mill as yet in Nova Scotia, was built and worked by the owner of the *Recorder*, A. H. Holland, about 1819, at a little distance from Bedford basin, on the road leading Westerly to Hammond's Plains. On monday, 21 June, the regiment called the Royal York Rangers was disbanded at Halifax. They were highly praised in general orders, and each private was offered a gratuity of one hundred acres of land in Nova Scotia, or the sum of Ten pounds. A great proportion preferred the money.

A writ from the Supreme court having been served on the sailing master of a king's vessel, the sloop *Bellette*, in Halifax harbor, he was rescued from the sheriff's officers by the 1st lieutenant; and when Mr. Lewis de Molitor, the under sheriff, went in a boat to serve an attachment for contempt, he was kept off by threats that the marines would fire on him. Capt. Pechell was also implicated. The captain and lieutenant afterwards came on shore and surrendered. They were examined under oath, reprimanded, and fined each £10 by the court, then holding its July term. At this time some remarks made by R. J. Uniacke, junr., a barrister, in the course of a jury trial, gave umbrage to Mr. William Bowie, a merchant interested in the cause, and thus led to a duel between them, on wednesday, 21 July, in which Bowie was mortally wounded, and expired in a few hours. The grove on the government North farm, near the present railway terminus, was the place of combat. This was the only instance of a fatal duel in Halifax, that I am aware of. The survivor and the two seconds were tried for this on wednesday, 28 July, and acquitted.

In July, lord Bathurst writes to lord Dalhousie, disallowing the marriage license act, and giving reasons at length. He considers the right to marry by banns is all that dissenters have a right to ask, as marriage by license is not in use among them, and not favored by the church of England, as tending to irregularity. He wishes any such bill to be rejected by the governor. In another despatch he consents to the division of Halifax county, and also of Annapolis county, so that the governor may recommend both next session to the assembly, and states it to be the intention of the crown to re-unite Cape Breton to Nova Scotia, to be again one of its counties. He also sends out a copy of the Foreign enlistment act, which is to prevent British subjects taking service in foreign armies or navies, or fitting out vessels of war without the king's license. Imperial act, 59 Geo. 5, chap. 69, passed 3 July, 1819, and an act respecting ordaining clergy of the English church for the colonies, 59 G. 3, c. 60, passed 2 July, 1819. He subsequently directs that a continuing act shall not include more than one act to be so continued, and objects to the Avon bridge lottery,



but this objection was withdrawn afterwards, and the act allowed.

Lord and lady Dalhousie sailed 22 June, in H. M. S. *Mersey* for Quebec. They reached Canso on the 24th, and arrived at Quebec on the 30th, which city they left on the 3 July to visit Upper Canada. In the party were lord Ramsay, lord S. Kerr, colonel Couper, capt. Collier, and messrs. Hay, Temple, Beauclerk, &c. On the 19 July, one hundred houses were burnt down in the town of St. John's, Newfoundland. The British government finding it necessary, among other retrenchments, to reduce the Dockyard at Halifax and diminish its expence, the residence of a commissioner was to cease, and the hon. Philip Wodehouse, who had been at its head for seven years, left this place, with his wife and family. Before he went, he received addresses of compliment from the towns people and from the officers of the yard : one, too, from the working men. August 20. Lord Dalhousie, in council, appointed Hibbert Newton Binney, the collector of impost and excise, to be a member of H. M. council, and Mr. Binney was sworn in. In the latter part of August, the duke of Richmond, governor general in Canada, while on an excursion, was bit by his pet fox. Hydrophobia ensued, and he died, after much suffering. He was 54 years old. Yellow fever prevailed this season in many parts of the United States, and the lieutenant governor and council issued a proclamation, dated 14 September, to authorize the usual measures of quarantine to be used in Halifax harbor. Fever appeared just now at St. Georges, in Bermuda, and carried off many of the army and navy, and some civilians.

In October, it was known in Halifax that lord Dalhousie was to succeed the duke of Richmond as governor in Canada. A duty of 2s. 6d. a load was now imposed by act of parliament on the import of timber from the colonies in America, but it would not take effect until 25 March, 1820, owing to former acts. Mr. Anthony Lockwood, a surveyor of scientific attainments, and having resided here for some time, published a descriptive work in 1818, containing much information respecting the harbors of Nova Scotia and the island of Grand

Manan. It contains plates of the chief harbors, and was printed in London. Copies are scarce. He was, in 1819, made surveyor general of New Brunswick, and a member of the council of that province. He turned his attention to the project of a canal across the isthmus of Chignecto, (which connects the peninsula with New Brunswick), and would afford water communication between the gulf of St. Lawrence and the bay of Fundy ; and after exploring from Chignecto bay to Bay Verte, was impressed with an opinion of its being practicable, and of great utility. Mr. Lockwood built a cottage on the West side of Bedford Basin, about eight miles from town, where he lived some time.—On the 23 November, Mr. George Smith was elected member for Halifax county, without opposition, in place of Mr. Mortimer, deceased ;—capt. Maynard presided as sheriff.

Lord Dalhousie having now received commissions as governor of each of the British North American provinces, was addressed by H. M. council of this province, and was sworn into office as governor of Nova Scotia on wednesday, the 24th November. He held a levee on tuesday, the 30 November, at government house, in Halifax, and the countess a drawing room, both of which were numerously attended. The same day he received an address of compliment from the magistrates and inhabitants of Halifax. In the evening he dined, as a guest, with the North British society, at Mason hall. Rear admiral Griffith, and other officers, naval and military, were also present. James Foreman presided, and Geo. N. Russell was vice president. Mr. Archibald proposed the health of Mr. Young, the writer of ‘Agricola’s letters.’ The order of the Regent, 20 October, which named lord Dalhousie governor general, appointed major general Sir James Kempt, G. C. B., to be lieutenant governor of Nova Scotia. The brig Chebucto, at this time, was employed by the provincial government, Richard Stuart, esq’r., commander. He was made one of the commissioners of light houses by the earl, 9 November.—21 Dec’r. The Quarter sessions and Grand jury requested chief justice S. S. Blowers to sit for his portrait, to which he

acceded. The picture is now in the council chamber, province building.

The reducing the establishment of the Halifax Dockyard from its previous state, would, under any circumstances, have been unpleasant to the people of this province, and especially to those of Halifax and its neighborhood. To them the employment of a large force of workmen, not only offered advantages in supplying materials and provisions, but it tended to make the visits of the ships of the navy more frequent, and in every way promoted business, while at the same time it was a practical and distinct pledge and proof of the value England set upon the colony, and the interest she felt in its welfare. It happened that a project for making a naval station for repairing vessels, &c. at Bermuda, was adopted simultaneously with the resolution to cut down the expence of the navy yard here, and was soon after acted on at very great cost. This made the removal (as it was termed) of the Dockyard from Halifax to Bermuda a sore subject with our people, and a theme for grumbling for years after. This could only be justified by the opinion the dissatisfied honestly held, that the interest and money of the empire were, in a degree, thrown away by this change. Rumors circulated here, that some one of the admirals in command had taken offence at our people, and used his influence with the English government to effect this alteration; but all this was but conjecture, probably as baseless as a dream. The officers of the navy in general liked this station, preferring it much to Bermuda. The climate of Halifax was more congenial to them,—the community larger,—provisions cheaper and more various; and the opportunity for sport with the gun or line, or excursions inland, increased their desire to revisit it.

## APPENDIX TO CHAPTER XXXIII.

## ( 1. )

Died, 1 August, 1819, rev'd. George Wright, aged 67. He was long the head master of the Halifax Grammar school. He was also missionary of the Round church, North suburbs, and chaplain to the garrison of Halifax. Mr. W. was a native of Ireland, and a most assiduous and conscientious instructor of youth. He had been trained at Trinity college, Dublin.

Died, at Windsor, N. S., 1 September, in the 75th year of his age, Benjamin Dewolf, senior, esq'r., one of the oldest magistrates in the province, and upwards of 50 years an inhabitant of Windsor.

Died, August 9, at Jamaica, Robert Field, esq'r., an eminent artist. (The portrait of Sir John Wentworth, and many other excellent likenesses, to be found in Halifax, are of his work.)

Died, October 10, at Pictou, Edward Mortimer, esq'r., aged 50 years, (member for Halifax county.)

Died, October 18, James Cochran, esq'r., aged 77 years.

Died, at Pictou, December 9, Mr. Matthew Harris, aged 88 years, 'the last' 'head of a family of the first settlers of the state' (province) 'of Pennsylvania,' 'and in the year 1763 removed to Pictou, which, at that period, was a rude, 'uncultivated wild, inhabited only by a few wandering Indians, and four families,' who had arrived there shortly before from the same place.' 'He has left' '9 children, 40 grandchildren, and 30 great grandchildren.'

## ( 2. )

## TRADE OF MIRAMICHEE IN 1819

16 vessels arrived from 8 October to 1 November.

63 vessels cleared from 8 to 26 October.

IMPORTS OF DUTIABLE GOODS INTO NOVA SCOTIA DURING THE YEAR  
1819,

Include—37,060 gallons brandy and gin.

688,096 do. spirits.

42,535½ do. wine.

315.044 do. molasses.

19,203 cwt. sugar.

60,049 do. coffee.

Other goods, subject to 2½ and 5 per cent., to the value of £314,626.

The duties on the whole import of the year amounted to £61,834 9s. 3¼d., of which £52,473 15s. 5d. was collected at the port of Halifax. (See assembly journal for 1820, p. 154.)

Abstract of Bread and Flour imported into this Province from the U. States of America, between 6 January, 1819, and 5 January, 1820 :—

Bread—barrels, 2,635 ; bags, 2,340.

Flour—barrels, 51,310 ; half barrels, 2,042.



37,500 bushels potatoes cleared for export at Cornwallis in the autumn of 1819, most of which were re-shipped in New Brunswick for the United States.

Gypsum.—150,000 tons were said to be annually sent from Nova Scotia to the United States. The price had been paid there of 7s. 6d. a ton, but is stated in 1820 at 15s. a ton.

The exports from Great Britain to these B. N. A. colonies, (leaving out Newfoundland), are stated to have been—

In 1810, of the value of	£718,425 10 6
In 1814, “	3,416,996 18 7

## CHAPTER XXXIV.

1820. The assembly of Nova Scotia met thursday, 10 February, (eleventh general assembly, second session.) The earl of Dalhousie, as governor, opened it with a speech. Among other topics, he notices the prosperity of agriculture in the province, and the formation of societies for promoting it, and the want of an accurate survey of the country. He recommends the employing engineers to ascertain the practicability of a canal from Halifax to Minas bason, by the lakes of Shubenacadie; notices a slight increase in the revenue,—the death of the duke of Richmond, and the appointments of himself and Sir James Kempt which ensued. On the same day, the two newly elected members, George Smith, for Halifax county, and William Henry Roach, for township of Digby, were sworn in. A vote of the previous session offered £100 each to the first four vessels that should be employed in the whale fishery, on certain conditions. 14 Feb'y., 1820. Mr. Archibald presented a petition from Abraham Cunard and son, stating that they had sent a vessel to the Northern whale fishery, but the voyage was unsuccessful; and that they had now fitted out another, for a fifteen months' voyage in the South sea whale fishery, and praying aid. (It appears that 30,000 boxes smoked herrings had been exported from the port of Annapolis in one season,—Digby herrings.) 22 February, the governor, by message to the house, mentioned that last session he had rejected an act passed to regulate fees in the court of chancery: 1. Because the Royal instructions direct that all fees shall be regulated by the governor and

council. 2. Because, as chancellor, he had not been consulted when the bill was originated, but he says he is of opinion that the fees in this court require some diminution; and as they are now established by a law of the province, and can therefore be altered by legislative enactment, he will concur in such alterations as may be found advisable. In another message he states the disallowance of the marriage license law, and the reasons given by the colonial secretary of state; and in a third message, the order as to continuing acts separately. He also sent, by secretary George, to the house, a copy of the order in council, disallowing the act concerning copper coinage. 23 February, a committee reported what had been done as to inland navigation on the line of the Shubenacadie, viz., Mr. Isaac Hildreth's survey and report in 1796, the expences of which were £208 13s. 1d. The subsequent grant of £150 in 1814, and £190 in 1815, part of which sums were spent by Mr. William Sabatier, the commissioner, in deepening and removing obstructions from Shubenacadie river, and the residue to pay Valentine Gill, who made a second survey and plan, which corroborated Mr. Hildreth's report and shewed the correctness of his levels. By the public accounts, it appears that the cost of the Province building to this time stood thus: Expended in all since it was begun, £49,867; commission charged at 5 per cent., £2493 7s. 6d.; total, £52,360 7s. 6d. The commission, if at 3 per cent., as the law had directed, would be only £1495 18s. 4d. The Loan office in King's county had issued the full sum of £5000, as authorized. The office in Annapolis the sum of £4948 15s. 6d., returning £51 5s. 6d. to the treasurer. A little over £100 of interest had been collected on these sums. On the public account the province was debited a total of £71,257 18s. 8d., of which £11,950 was funded debt on interest, and £49,577 10s. 6d. of notes in circulation on 31 December, 1819. The total revenue of the past year is £53,305 4s. 2d. Balance against the province on the whole account, £17,952 11s. 6d., or, so to say, an indebtedness of less than £18,000 currency. 6 March. The governor recommended the road through the military settlements in the counties of Annapolis and Lunenburg, and the

road from Halifax to Chester, to the attention of the house, and the road from Musquodoboit to St. Mary's and Guysborough. On tuesday, 7 March, the hon. Mr. Jeffery, collector of H. M. customs at Halifax, attended the house. He came to the bar and uncovered, and, on the speaker's invitation, took a seat near the clerk's table, replacing his hat. This formal reception was in consequence of his being a member of council. He then gave answers to 21 interrogatories respecting the fees collected at the custom-house. 17 March. £10,000 was voted for roads and bridges. (The Charitable Irish society had their dinner at Mason hall this day, sitting down to table at a quarter before 6, P. M. Richard J. Uniacke, jr., presided, Edward McSwiney acting as vice president. Lord Dalhousie was one of the guests. A list of fifty-one official toasts is in the newspapers.) On saturday, 25 March, Mr. Fraser reported from the committee on the subject of the custom-house. This is a large document, on journal of 1820, pp. 221, 222, 223, charging collector Jeffery with exacting fees improperly, and oppressing the trade of the province by restrictions beyond the law. (The news of the death of the duke of Kent, and his father, king George the third, was received by this time at Halifax. Prince Edward, the 4th son of George 3, died at Sidmouth, in Devonshire, in his 53d year, on the 22 January, and the king expired on the 29 January, at Windsor castle. He had reigned 59 years, 3 months and 9 days, and was aged 81 years, 7 months, 26 days.) March 27. £520 was granted for post communication. The council, by message, requested a copy of the evidence and documents on which the report of the committee of the house on the subject of the custom-house was founded. These the house, on the 28th, declined to furnish, unless before a tribunal appointed by the governor to investigate the charges against Mr. Jeffery, if he denied them. £1000 was voted for a star and sword, as a present to earl Dalhousie. £100 for Arisaig pier; £200 for the navigation of the Shubenacadie. April 2. An address to the governor, requesting his acceptance of the star and sword, passed the house, and was next day presented by the speaker and the whole house. In his reply, he said that he received this address "as one"



“of the highest honors that can be conferred”—calls the present a “magnificent testimonial of your regard,” and accepts it most graciously, subject to his obtaining the leave of the king to do so. A joint address of both houses passed, requesting the governor to endeavor to procure for this province the same indulgence given to Newfoundland by Imperial act 59 Geo. 3, c. 52, sec. 37. April 3, (monday), the house was prorogued. In his speech at the close, the governor thanks both houses for their attention to the dispatch of business,—expresses his content with the supplies voted, as being proportioned to the means of the province,—sees the country enjoying peace, contentment, and abundance of all the necessities of life, and with industry that promises the continuance of these blessings,—impresses the importance of agriculture, and recommends the college at Halifax to their protection. As to the militia, he speaks thus: “The protection of 20,000” “young and willing sons of your own families ought not to” “be slighted or neglected by government or the legislature.” “The militia is not at present what I have wished to see it,” “but there is all the loyalty I could desire, and in many bat-” “talions all the zeal and discipline I could possibly wish.” Declares he is bound to look after all the provinces under his command, and promises to visit them all.

Some few of the debates of the house were reported this session in the *Free Press* newspaper, but they seem wholly confined to discussions on revenue and other similar subjects, that could now be of little interest. An act passed to issue province notes of £2 and £1 each, to the amount of £20,000. The rest of 28 acts were chiefly revenue and continuing bills.

On the 13th April, ten days after the house rose, the earl wrote a letter to Mr. Robie, the speaker, re-calling his acceptance of the star and sword. In this he regrets the ‘unusual’ ‘hurry, from unexpected circumstances, which led to the’ ‘unexpected prorogation of the assembly.’ He states that he has since turned his attention to the proceedings of the session. He is surprized and mortified that the survey of the province, which he had proposed, had been altogether passed over,—that the allowance for inspection of the militia, granted

last year, had this season been withheld, and that "the house," "casting aside all the long established forms of returning" "answers to the special messages of the executive govern-" "ment, had shewn a disposition to disregard the prerogative" "rights, and the respect due to that first branch of the con-" "stitutional legislature." He says: "Such conduct cannot" "rest unnoticed, though it may be guarded against in future." After next referring to the gift and his acceptance, he says: "But when I find the leading measures of my administration" "rejected and suppressed, in a manner disrespectful to the" "high station in which I am placed, at the very moment, too," "when those gifts of approbation are tendered to me, my" "duty to my king—my duty to the province, and, above all," "the sacred regard I have for my own personal honor," "equally forbid the acceptance of the sum voted." He then retracts the answer which, he says, he gave "without sus-" "picion that such circumstances could possibly exist." He then requests the speaker to inform the members of this.

It is difficult to find the springs that direct human actions. It is not improbable that the proceedings of the house in the business of the custom-house grievances, by which serious faults were imputed to a member of H. M. council, may have irritated the minds of some members of that body, and their feelings may have prejudiced the earl. We see, however, in his speech in closing the session of 1819, that his views then were not in harmony with those of the house.

By the death of the sovereign it would seem that the assembly was virtually dissolved, and I do not apprehend the reason for their continuing to sit and pass laws after they were aware of the Royal demise, although the official account of it was not received by the governor until 16th April. I should think all the proceedings of this session were invalid, as George the third died before its opening.

On the 30 March, an address from the inhabitants of Pictou, of a laudatory character, was presented to earl Dalhousie by three of the county members, messrs. Lawson, Archibald, and G. Smith. In his reply, his lordship praises Pictou and the industry of its people. He also refers to his visit there in

1817, and says: 'I found in the late Mr, Mortimer, a country' 'gentleman, whose liberal mind and patriotic principles were' 'an honor and a blessing to his neighborhood. To him I' 'gave my confidence, with authority to use the power vested' 'in me to the fullest extent, except as being subject to my' 'confirmation. With his zealous assistance and influence,' 'I know that astonishing progress has been made in opening' 'the forest land.' Hopes to revisit the district, and to find 'the same reverence of religion—the same Highland loyalty' '—the same Highland costumes and manners distinguishing' 'them as at present.' The mutual respect and affection that appeared on this occasion between the earl and his countrymen, is gratifying to contemplate. Whether his idea of delegating his authority in the way he describes was a safe and constitutional principle, may not be so clear. However, in this exceptional instance, it, no doubt, answered well.

On Friday, 7 April, the new monarch, George the fourth, who had been 9 years regent, was proclaimed king, at Halifax. At half-past ten, A. M., the governor went in state to the council chamber. The members of H. M. council, the speaker and several members of assembly then residing or remaining in town,—the justices of the peace in Halifax, grand jurors and many of the inhabitants, and the officers of the army and navy, had previously assembled there. The governor having taken his chair, the provincial secretary read the official despatches notifying the demise of the late king and the accession of his eldest son and heir. A proclamation of the new king's reign was signed by the governor, councillors and other chief persons present. His excellency having appointed David Shaw Clarke, esquire, to be herald at arms, that gentleman read the proclamation aloud in a distinct and clear voice. At this time the Royal standard was hoisted upon citadel hill. The herald proceeded from the council chamber in a carriage, accompanied by the sheriff, to the front of the Province house—to the market square—to the door of St. Paul's church, and to the new parade on Brunswick street, near the North barracks, (since removed), escorted by troops, and attended by the populace, and at every place repeated the proclamation.

At the North parade, the garrison were drawn up under arms, and a salute of 21 guns fired from six field pieces. The procession then returned to the Province house, and the proclamation was again read in the Supreme court room, (now the legislative library.)

At 1, P. M., the Royal standard was lowered to half mast, and minute guns fired from the fort on George's island, which was continued the remainder of the day, on account of the deceased sovereign ; and on sunday, sermons suited to the occasion were delivered in the different places of public worship in Halifax.

On the evening of saturday, 8 April, Sir John Wentworth died at Halifax, at his apartments in Hollis street. He was in his 84th year. His latter days were spent in solitude and retirement. On the day before his departure, the city was excited with the joyful ceremonial attendant on the elevation of the prince of Wales to the sovereignty of this great empire in his own right, mingled with the respect due a monarch who had for near sixty years presided with moral dignity and conscientious earnestness over the government and interests of our nation. To an eminent loyalist like Wentworth, who, through chequered scenes of prosperity and adversity, had been the trusted and honored servant of the crown from an early period of this long reign, if he were then conscious of what was passing around him, the reflections he would make on the dropping of the curtain on royalty—on the unlooked-for loss of prince Edward, so long his intimate friend, and on the exit of his venerated master from all sublunary suffering, must have been exceedingly affecting. Sir John proved the sincerity of his professions of strong attachment to Nova Scotia, by voluntarily spending his last days here. His baronetcy devolved upon his son, Sir Charles Mary Wentworth, who resided in England, and on whose death, without issue, the title became extinct.

Among the results of peace, now established for five years, we find that the frame of a building, two stories high, 50x20 feet, at fort Cumberland, prepared, without doubt, for garrison purposes, was advertised to be sold at auction, on 24 April, at



the fort ; and the barracks at Shelburne, with the government grounds attached, were also advertised for sale. (The price of American superfine flour at Halifax this season appears to have been 27s. 6d. to 30s. a barrel.) At the April term of the Supreme court at Halifax, a young man, who had published a pamphlet, imputing blame to the magistrates in pecuniary matters, and to H. M. council, for neglect of duty in not auditing their accounts according to law, was sentenced to two years imprisonment in the house of correction, at hard labor.

Lord Dalhousie, by a proclamation dated 20 April, dissolved the general assembly of this province, and the writs for the general election were made returnable 10 July. He also appointed Mr. Wallace acting surveyor general of Woods. A public meeting was held at the Exchange coffee-house in Halifax, Richard Tremain, esquire, in the chair, on the 3 May, to nominate candidates to represent the town. Mr. Deblois urged them to appoint merchants. The meeting named messrs. Grassie and Pryor, and negatived the names of messrs. Albro and Cogswell. For Halifax county, messrs. Robie, Archibald, Lawson, Smith, Young and Foreman, issued cards ; and for the township, messrs. Pryor, Grassie, Albro and Cogswell, were candidates. Mr. Foreman and Mr. Young, however, soon after withdrew. 13 May, the governor appointed Colin Campbell, esq'r., naval officer, vice Beckwith, deceased.

On 17 May, a dinner was given by the inhabitants of Halifax to the governor, lord Dalhousie, at Mason hall. Michael Wallace acted as president, and John George Pyke vice president. The earl expressed a lively interest in the prosperity of Nova Scotia. On the chief justice's health being proposed by lord D. and drunk, the attorney general, Uniacke, as head of the bar, returned thanks. He said he had known the chief justice from early life,—they had both, in their youth, been rival candidates for fame, and each one valuing his abilities more than those of his antagonist, the most unpleasant consequences had ensued,—they had both lived to be advanced in years, and it was time those fiery passions should subside—for his part they most certainly had ; and he must thus publicly express his opinion of his lordship, that, from the know-

ledge which a long and extensive practice at the bar had afforded him of his character, he could assert, without the fear of contradiction, that he is an honest, impartial and upright judge. The countess of Dalhousie was also toasted. His excellency left at half-past 12, highly gratified at the attention and respect shewn him.

The polling for the town and county of Halifax begun on thursday, 18 May. Mr. Samuel Tupper, of Colchester, was proposed for the county, as well as the four former members, Robie, Archibald, Lawson and Smith. Albro, Grassie, Pryor and Cogswell ran for the township. The poll for the township was closed at sunset. Mr. Cogswell had previously withdrawn. Mr. John Albro led, having 453 votes, and Grassie and Pryor were equal, each having 395 votes, on which a scrutiny was demanded. For the county, Lawson had 1011 votes; Robie, 902; Archibald, 883, and Tupper, 292, (in this district.) The county poll was adjourned to Truro.

Monday, 22 May. The earl of Dalhousie laid the corner stone of Dalhousie college, (built on the North extremity of the Grand parade.) The free masons, under their grand master, J. G. Pyke, stationed themselves in a square on the site. The troops in garrison, with their colors, formed a lane from the West front of the Province house to the entrance of the enclosure for the building. A few minutes before 2, P. M., his excellency, accompanied by rear admiral Griffiths, the members of H. M. council, the justices of the peace, commandant of the garrison, (colonel George Mackie), and the chief officers of navy and army, went to the spot, and was conducted to the S. E. corner of the work. The reverend John Thomas Twining, grand chaplain, made a prayer. A brass plate, with a long inscription, and a bottle containing coins, were put in a cavity in the stone. The earl then made a speech, in which he points out the objects he has in view in establishing the college,—‘the instruction of youth in the higher classics and’ ‘in all philosophical studies.’ ‘Its doors will be open to all’ ‘who profess the Christian religion.’ ‘It is particularly’ ‘intended for those who are excluded from Windsor.’ He then laid the stone with the Masonic ceremonial, and the

reverend grand chaplain made another prayer. A Royal salute from fort Charlotte, and the cheers of the lookers on, concluded the business. In the evening, lady Dalhousie gave a ball and supper to a large party.

On thursday, 28 May, a splendid farewell ball and supper were given by the commandant and officers of the garrison, at their mess rooms, in honor of the right hon. the countess Dalhousie. The governor, admiral, and officers of the navy, and a large number of the ladies and gentlemen of Halifax and its vicinity, were present as guests. On the 31 May, an address was presented to his excellency from the inhabitants of Halifax.

Lord Dalhousie, 27 May, issued a general order, reducing the militia to one regiment in each county, (excepting that there were to be two regiments in the town of Halifax, and one in Colchester and one in Pictou.) Each regiment was to have 1 lieutenant colonel, 2 majors, 10 captains, 20 first lieutenants, 20 second lieutenants, with the usual staff. Each company composed of 1 captain, 2 first lieutenants, 2 second lieutenants, 1 clerk, 4 sergeants, 2 drummers, and 100 men. The colonels and majors were named in the order. Those omitted, to hold rank, and be eligible to vacancies, &c.—The Wesleyan methodist conference addressed lord Dalhousie.

1 June, (thursday.) Lieutenant general Sir James Kempt, G. C. B., with his suite, arrived at Halifax in H. M. S. Phaëton. captain Montagu, in 42 days passage from England. He landed at 11, A. M., next day, at the king's wharf, under a salute from George's island, and proceeded to government house. At 3, P. M., he went in state to the council chamber, (Province house), where he was sworn into office as lieutenant governor, in presence of the governor, the council, clergy, justices of peace, officers of the garrison, and a crowd of spectators. On monday, 5 June, at 11, A. M., earl Dalhousie went to the Province house. The flank companies of the Halifax militia attended there to receive him as a guard of honor. Part of the 62d regiment formed a line from the building to the king's wharf. His excellency went to the landing stairs, attended by Sir James Kempt, the councillors, army officers, and other

chief persons, and on entering the boat was saluted by the militia artillery. A salute was also fired from fort Clarence on his embarkation. The vessel he went in to Quebec, was H. M. S. Newcastle, 60, captain Fanshaw, and she, with the provincial brig Chebucto, lieut. Stewart, sailed wednesday, the 7 June. On the 5 June, Sir James Kempt appointed lieut. colonels T. N. Jeffery and R. D. George to be his provincial *aides-de-camp*. The officers of his excellency's suite, who had come out with him in the Phaëton, were major Raitt, military secretary, and major, the hon. Charles Gore, and lord Frederick Lennox, *aides-de-camp*. On the 9 June, the election for the county of Halifax closed at Pictou. Lawson, 1879; Archibald, 1781; Smith, 1700; Robie, 1361; Tupper, 931. The four first accordingly were successful. On friday, the 9 June, bishop Burke, attended by his clergy, laid the corner stone of the present St. Mary's cathedral in Halifax, with prayers and high mass on the occasion. June 22. Mr. J. I. Chipman, member for Shelburne, presented a complimentary address from the magistrates and freeholders of that place to his excellency Sir James Kempt. 24 June. John Albrow was elected grand master of the Freemasons. In August, subscriptions were taken towards the erection of a statue to the late duke of Kent, in aid of the collection making in England for that purpose. The subscription was not in any instance to exceed one guinea, but the smallest sum would be received. Agents were named all over the province with this view. August 7. John Slayter, esq'r., comptroller of H. M. customs at Halifax, having retired, John Wallace, esq'r., son of Michael Wallace, was appointed to the office. In September, there were dreadful fires in Clare, which extended to Digby and Clements in one direction, and to Yarmouth in the other. The chapel, two houses and outhouses of the rev. Mr. Sigogne, were burnt, as were all his papers. Twenty other buildings were destroyed; and the family of Mr. Dennis Doucette, eight in number, and a black man, perished in the flames. In Clare, one hundred houses were burnt, by another account; and several houses, barns, &c., in Clements. A fair and cattle show were held on Camp hill, on the Halifax Common, on wednesday, 6 Sept'r.



Sir James Kempt attended at 11, A. M., and distributed the prizes (in money) afterwards. The judges of the cattle were John Albro, William Young, senr., John Starr, Peter McNab, and Frederick Major. Fevers prevailing in the United States this season, vessels from that country were duly visited by the health officer. The doubloon was, by general consent of our merchants, now passing at £4 currency, or 16 dollars ; other coins rapidly disappeared, and paper notes were issued by merchants, grocers, &c., for sums from 1s. 3d. to 5s. currency. This paper money was much complained of, and laws afterwards prohibited it. There was a story told of a coaster, from Lunenburg county, pasting a stick of firewood from end to end with the small notes of one issuer, — then, with the stick, shouldered like a gun, carrying it to the office of the merchant who had signed the notes, to collect the amount in metallic currency.

Sir James Kempt left town 8 September, and visited Windsor, Horton, Cornwallis and Annapolis, returning on the 22d. While passing Mount Uniacke, in his gig, he was thrown out in attempting to pass a hay waggon, the driver of which was asleep.

The lieutenant governor received a despatch from Downing street, of 5 August, 1820, informing him that his majesty had been pleased to grant an allowance of £80 *per annum* to Mrs. Martha Tonge, to be inserted in the civil establishment of Nova Scotia, to commence from the period when the last payment from Mr. Beckwith was received ; and another, acquainting him that the office of surveyor general of H. M. Woods and Forests (in New Brunswick) had been abolished, and desiring that Mr. Wallace's nomination to it may, in consequence, not take place.

Lord Bathurst wrote to Sir James Kempt on the re-annexing the island of cape Breton to Nova Scotia. This important despatch is as follows :

*Downing street, 15 August, 1820.*

Sir. I had the honor of intimating to you, previous to your departure from this country, the decision to which his majesty

had come of re-annexing the island of cape Breton to the government of Nova Scotia ; and you must have observed the alteration which had, in consequence, been made in your commission and instructions.

His majesty considers it most desirable that this arrangement should be no longer delayed, and has commanded me to instruct you to take into your immediate consideration the measures which may be necessary to give effect to his majesty's instructions. For this purpose it will be necessary that you should, in the first place, direct the issue of writs for the election of two members from the county of cape Breton, to sit in the legislative assembly of Nova Scotia, and in this you will follow the course adopted in 1765, when two members were actually so returned. [*See volume 2 of this work, pp. 450 and 493.*]

Upon this, you will dissolve the council at cape Breton, appointing, however, to seats in the council of Nova Scotia, any one or more members, whose knowledge of the local interests of the island, or whose merits in other respects entitle them to that distinction.

The object being to make the island in every respect an integral part of Nova Scotia, it will be for you to consider of the measures which it will be necessary for the legislature of Nova Scotia to adopt, in order to give effect to this intention.

You will at once see the necessity of either applying to cape Breton the laws actually applicable to other parts of Nova Scotia, or of giving, by some legislative act, legal validity for the future to the several ordinances passed since by the governor and council of cape Breton, and under which that colony has hitherto been administered.

It will be for the legislature to decide upon which of these two courses it may be most expedient to adopt, but I cannot withhold my opinion, that it would be far more advisable to follow that which would place the whole of the province under one and the same system of law.

With respect to the administration of justice, it will only be necessary to provide that the judges of Nova Scotia should extend their regular circuits to cape Breton, in order to secure

to the inhabitants every facility which they have any title to expect.

I shall be most anxious to receive from you, as early as possible, a report as to those officers whom you may consider it necessary, either permanently or for a time, to retain at cape Breton after its annexation to Nova Scotia. Among the latter, it appears to me expedient that the officer of the customs,—the naval officer,—the surveyor general,—the superintendent of mines—who have all duties independant of any question of union or separation of the government, should remain in the discharge of their several offices as heretofore, with the difference, only, of reporting to you, through the superintendent, who is to be appointed resident within the island, instead of the lieutenant governor ; but as this part of the question will, in no degree, fall under the regulation of the assembly, it is a point of less immediate attention, and it will be a proper subject for the future consideration of his majesty's government.

It is clear that the services of the judges, and it is probable also that the greater part of the subordinate officers of justice, may be altogether dispensed with ; but with respect to all these, it will be necessary that I should receive from you a specification of the length of their several services, in order to judge how far they may be entitled to a continuance of the whole or of a portion of their respective emoluments, or to be transferred to some other situation.

Parliament has already made provision for the payment of their several annual salaries for the present year, and it will therefore be proper that the new arrangement, though completed, should not actually take place until the 1st January, 1821.

I have the honor to be,

Sir,

Your most obedient,

humble servant,

BATHURST.

Lieut. general Sir James Kempt, G. C. B., }  
                   &c.       &c.       &c.       }

Friday, 6 October. James Blackwell, esq., naval officer for this province, arrived in the ship Royal Charlotte, Ford, London, 40 days. On Friday, 13 October, his excellency the lieutenant governor, having received lord Bathurst's letter as to the annexation of cape Breton, sailed in the government brig Chebucto, for Sydney, C. B. Donations in money and goods were subscribed largely in Halifax, to be sent to the sufferers from the fire in Yarmouth. At St. John, N. B. £400 was subscribed to help them. At New York, £140.

The election for two members for the county of cape Breton began at Sydney, where Edmund Dodd received 210 votes, R. Gibbons 157, and R. J. Uniacke, junr., 43. It was then adjourned to Arichat, where it closed by the return of Lawrence Kavanagh and Richard J. Uniacke, junr., as the county members.

The chief justice of cape Breton, Mr. Dodd, was allowed his full salary of £500 *per annum* for life, as a pension. The secretary, provost marshal, and naval officer, got half their salaries secured to them. The attorney general having been absent ever since his appointment, received no compensation. [*Lord Bathurst to Sir James Kempt, Dec'r. 6, 1820.*]

Wednesday, 29 November, the Roman catholic bishop of Sion, right rev. dr. Edmund Burke, vicar general in Nova Scotia, &c., died, in his 78th year, at Halifax. His charity to the poor—to prisoners for debt, and to the Micmacs, was only limited by his means. He freely gave every shilling of his income at the call of suffering humanity, without enquiry as to the creed or nation of the unfortunate. On this account he was highly esteemed and revered here. He lay in state in ecclesiastical robes, and the body thus attired, was visited by thousands. He was a tall, handsome, grave looking man. Latterly he stooped a little in walking. His manners were cheerful, urbane and easy.



## APPENDIX TO CHAPTER XXXIV.

(1.)

## ELEGY,

ON THE DEATH OF LIEUTENANT CHARLES THOMAS, OF THE ROYAL FUSILEERS,  
WHO WAS ACCIDENTALLY SHOT BY HIS MOST INTIMATE FRIEND, AT  
SHELBURNE.

[Written by Mrs. Fletcher, of Yarmouth, N. S.]

Slow moves in funeral pomp the mournful bier,  
That gives the warrior to the silent grave ;  
While scarce the manly eye can hide the tear ;  
While sighs respire the bosoms of the brave.

The martial arm with sable crape entwined,  
The drum deep muffled, and th' inverted spear,  
The mournful dirge that floats upon the wind,  
And strikes in plaintive sounds the pensive ear.

These wake attention from her silent cell,  
Arrest the footstep, fix the wand'ring eye ;  
These thy sad tale emphatically tell,  
And breathe that loud *memento*, "*thou must die.*"

In life's gay bloom, in valor's glorious road,  
In fame, in honor's warm pursuit he fell,  
What manly virtues in thy bosom glow'd,  
Thy friends remember, and thy friends shall tell.

For worth and honor there were deep enshrin'd,  
And filial love and tenderness sincere ;  
And generous friendship sought thy nobler mind,  
And reared with pride her sacred altar there.

Lamented youth ! how many weep thy fall  
With real grief and undissembled woe !  
Oh fate ! Who bade thee guide that rapid ball ?  
A friend's unconscious hand to deal the blow.

Ah ! then misfortune hurl'd her bitt'rest dart !  
The missile shaft accelerated flew—  
Fate only bade it pierce one noble heart ;  
Friendship had join'd them, and it severed two.

But tho' in life's meridian pride he fell,  
Not in the field with glory's laurels crown'd,  
Ere fame her clarion in his praise could swell,  
While list'ning thousands caught the glorious sound.

A nobler meed was thine—a nobler fame—  
Think not ye friends *his* destiny severe,  
Whose valour, virtue, and whose fate could claim  
From royal Edward's eye th' impassioned tear.

[The above appears in the Acadian Recorder of April 15, 1820. The occurrence which gave rise to the verses happened in 1797,—see p. 162 of this volume.]

(2.)

## A PROCLAMATION,

By His Excellency Lieutenant General Sir JAMES KEMPT, Knight  
Grand Cross of the Most Honorable Military Order of the  
J. Kempt. Bath, Lieutenant Governor, and Commander-in-Chief, in and  
over His Majesty's Province of Nova Scotia, and its Dependencies, &c. &c. &c.

Whereas His Majesty, with a view to promote the welfare and mutual interests of his faithful and loyal subjects of Nova Scotia and Cape Breton, hath been graciously pleased to direct that the island of Cape Breton should be re-annexed to the government of Nova Scotia, and the same island should from henceforth be and remain an integral part of the Government of Nova Scotia,—I do therefore, in pursuance of His Majesty's Instructions, and by and with the advice of His Majesty's Council, declare that the island of Cape Breton is, and from henceforth shall be and remain, a several and distinct County of the Province of Nova Scotia, to be called and known by the name of the County of Cape Breton; and to be represented, and the Civil Government thereof to be administered, in like manner as the other Counties of the Province are administered and governed.

And in pursuance of his Majesty's Instructions, I have caused a Writ, in the usual form, to be immediately issued, directed to the Provost Marshal, or his Deputy, resident in the Island, for the election of two Members to serve in the General Assembly of Nova Scotia, being the number directed to be summoned to such Assembly before the time when the said Island was first separated from the Province of Nova Scotia.

And I do hereby, in obedience to his Majesty's commands, dissolve the Council of the said Island of Cape Breton.

And that the peace and good order of the said Island may be preserved, and justice duly administered therein, until more efficient provision shall be made by the Legislature of Nova Scotia, or until further order shall be duly made therein, I do hereby authorize and require that all Judges, Justices of the Peace, Constables, and other Civil Officers in commission in the said Island, do continue in the execution of their respective offices agreeably to the several Ordinances passed by the Governor and Council of Cape Breton, and under which that Colony since its separation has been hitherto administered.

Given under my hand and seal at Arms, at Halifax, this ninth day of October, 1820, in the first year of his Majesty's reign.

By His Excellency's Command,

RUPERT D. GEORGE.

GOD SAVE THE QUEEN.

(3.)

*[Extract from paper of December 2, 1820.]*

Died, on Wednesday last, universally regretted, as he lived respected, the Right Rev. Dr. Edmund Burke, in the 78th year of his age. He was a native of the county Kildare, (Ireland), and Parish Priest of the town of Kildare, which he vacated at the frequent and earnest solicitations of some of the Professors of the Seminary of Quebec, and arrived in Lower Canada the 2nd of August, 1780.—There he officiated as a clergyman, and taught the higher Branches of the Mathematics and Philosophy, with great credit to himself and benefit to the numerous students, who crowded to hear the lectures of a man celebrated in the University of Paris, as exceeding most men of his day in mathematical science, as also in the Classics, particularly in the Greek and Hebrew languages, till Lord Dorchester appointed him, as a faithful and capable person, to reconcile the many powerful Tribes of Indians inhabiting the country about Lake Superior, and the back parts of the Ohio and Louisiana; who, at that time, manifested dispositions very hostile to the British Government.

Among these Savage Tribes of Indians he resided six or seven years, suffering every privation that civilized man could endure, till he fully accomplished the object of his mission. He instructed the heathen Indian in the principles of the Christian religion, and impressed on his mind a knowledge of the true living God, by whose assistance he inculcated into his savage mind sentiments of loyalty, obedience, and lasting friendship for his Great worldly Father, King George the 3rd. Government rewarded those important services, by granting Dr. Burke a pension for life.

His vanity would have been excited, if he had any, by the sincere and cordial friendship of the late much lamented Duke of Kent; as also of every Military and Naval Officer who successively commanded in British America for the last 30 years, very many of whom, it may be said all, entertained so good an opinion of his sound judgment and zealous loyalty, as to consult him on the most important points of their intended operations, before they put them into execution. His advice and opinions, during the late American war, were gratefully acknowledged by the two great men who then commanded, and by them honorably reported to his Majesty's Ministers; who, in approbation of Dr. Burke's loyalty and learning, used their influence with the See of Rome to appoint and ordain him Bishop of Sion, and Vicar Apostolic in Nova Scotia.

(4.)

Died, at Lunenburg, 6 January, the rev. Bruin Ramkus Commingo, minister to the German Presbyterians, born at Leewarden, in Holland, in 1723,—came here with the first German settlers in 1752,—became a clergyman, and was regularly ordained at Halifax in 1770. He was over 96 years old.

Died, at Truro, 15 January, Matthew Archibald, esquire, in his 75th year, one of the first English settlers there. He had been a member of assembly. He left a widow, 11 children, 69 grand children, and 25 great grand children,—total, 106.

Died, at Everton, Liverpool, G. B., John Beckwith, esquire, in the 69th year of his age; of the army account department, (naval officer in N. S., &c.)

Died, at Truro, William Cochran, esquire, of Hollis street, Halifax, aged 69.

Died, at Halifax, August 25, lieut. colonel John Forsell Goodrich, H. M. 62nd foot, in his 58th year.

Died, at Jamaica, Winckworth Tonge, esquire, deputy judge advocate general at Jamaica, son of the late colonel Tonge, of Windsor, N. S.

Died, at Horton, monday, 28 August, Jonathan Crane, esquire, aged 70 years, senior member of assembly, and senior colonel of militia.

Died, at Sydney, C. B., October 26, Richard Stout, esquire, aged 64, senior member of the late Council of Cape Breton.

Died, November 24, John Cleveland, esquire, in his 68th year, (son of Cleveland, who was killed by the Micmacs.)

Died, at Granville, 9 December, Edward Thorne, aged 74 years. He had been 50 years a justice of the peace for Annapolis county, and was member of assembly for Granville for many years.

( 5 . )

*Government House, 13th April, 1820.*

Sir,

I exceedingly regret the unusual hurry, from unexpected circumstances, which led to the sudden prorogation of the Assembly, and to the communication I have now to make to you in consequence of the proceedings of the last session. My attention, since I prorogued the Assembly, has been directed to the more deliberate consideration of the progress and result of these proceedings. Having rested confident of the same support which till now I had received, it was with great surprise and mortification I observed, in the first place, that one part of the leading measures which I had submitted to the House has been altogether passed over ; I mean the survey of the Province. In the next place, that the allowance granted last year for the inspection of the Militia, this year included as part of the civil list public expence, has been entirely omitted : and in the third place, that the House, casting aside all the long established forms of returning answers to the special messages of the Executive Government, had shown a disposition to disregard the prerogative rights, and the respect due to that first branch of the Constitutional Legislature.

Without going into any enquiry, and without any delay of time, I feel it my duty to express through you to this House while it yet exists, that such conduct cannot rest unnoticed, although it may be guarded against in future ; but the chief motive which now presses me to address this Letter to you, before the dissolution of the General Assembly, arises out of the address of the House which was presented to me by the Speaker and the Members in a body ;—that address conveyed to me a most gratifying expression of my conduct, and a request of my acceptance of a most magnificent testimonial of regard. I could have no hesitation in thanking the House of Assembly for this honor, and promised to solicit the gracious permission of my Sovereign to receive the testimonial therein described ; but when I find the leading measures of my administration rejected and suppressed, in a manner disrespectful to the high station in which I am placed, at the very moment, too, when those gifts of approbation are tendered to me, my duty to my King, my duty to the Province, and above all the earnest regard I have for my own personal honor, equally forbid the acceptance of the sum voted;



therefore, retracting the answer which I gave without suspicion that such circumstances could possibly exist, I now hereby, with all due respect, desire to decline the offer, and to consider it of none effect whatever.

I have to request that this Letter may be communicated to the Members of the Assembly in the form most suitable to its established rules, and to that respect which I have always felt and expressed towards them.

I have the honor to be, Sir, your most obedient servant,

DALHOUSIE.

S. B. Robie, esquire,  
Speaker of the House of Assembly. }

## CHAPTER XXXV.

1820-1821. The twelfth general assembly met at Halifax, in its first session, on tuesday, 12 November, 1820. The members of the house returned were :

County of Halifax : \*William Lawson, \*George Smith, \*Samuel George William Archibald, \*Simon Bradstreet Robie.

County of Annapolis : \*Thomas Ritchie, \*Samuel Campbell.

“ Lunenburg : John Heckman, \*Lot Church.

“ Cumberland : \*Thomas Roach, George Oxley.

“ Kings : \*William A. Chipman, \*Samuel Bishop.

“ Queen's : Snow Parker, \*Joseph Freeman.

“ Hants : \*William Hersey Otis Haliburton, \*William O'Brien.

“ Shelburne : John Bingay, John McKinnon.

“ Sydney : John George Marshall, \*Thomas Dickson.

“ Cape Breton : \*Richard John Uniacke, junior, Lawrence Kavanagh.

Town of Halifax : \*John Albro.

“ Truro : \*William Dickson.

“ Onslow : \*Robert Dickson.

“ Londonderry : \*James Flemming.

“ Annapolis : \*John Robertson.

“ Granville : \*Timothy Ruggles.

“ Digby : \*William Henry Roach.

“ Lunenburg : Edward James.

“ Amherst : James Shannon Morse.

Town of Horton : Jonathan Crane.

“ Cornwallis : John Wells.

“ Liverpool : \*James R. Dewolf.

“ Windsor : \*William Fraser.

“ Falmouth : \*William Young.

“ Newport : \*Daniel Wier.

“ Shelburne : \*Jared Ingersol Chipman.

“ Barrington : \*William Brown Sargent.

“ Yarmouth : Samuel Sheldon Poole.

Of this number, colonel Crane and George Oxley had died since their election. One of the seats for the town of Halifax was in suspense, as messrs. Grassie and Pryor had an equal number of votes, and Mr. Pryor had died in the interim. The members marked \* were sworn by the commissioners appointed by his excellency. The house attended the lieut. governor, Sir James Kempt, on his message, who directed them to proceed to the choice of a speaker. Mr. Lawson proposed Mr. Robie, who was unanimously elected. Mr. Poole, senior member, conducted him to the chair, when the speaker elect returned his thanks, and promised to perform his duties honestly and to the best of his abilities,---to guard their privileges, and to prevent also any encroachment on their part on the prerogative of the crown or the rights of the other branches of the legislature. Then the house being sent for, repaired again to the council chamber, where his excellency, having approved of the speaker, and granted the privileges demanded by him, made his opening speech. In this he says : “ I shall humbly ” “ endeavor to follow the wise and impartial course pursued ” “ by my noble and distinguished predecessor.” He mentions next the re-annexation of the island of cape Breton to Nova Scotia, and recommends that the laws of Nova Scotia be extended to the island. Represents the commerce of the province as somewhat diminished, but the harvest abundant and agriculture flourishing. He refers to the losses sustained in Yarmouth and Clare by the fire in the woods, and promises his co-operation in all matters tending to the general prosperity. On thursday, 14 December, Mr. Grassie petitioned for the seat for Halifax. (Mr. John Pryor died 7 Dec'r., 1820.)

His grounds of claim were that a voter was in the act of giving his vote in favor of petitioner, when the poll closed. Mr. John Morton also petitioned against Mr. Wells, returned for Cornwallis, as not legally qualified. 15 Dec'r. Edward James was sworn in as member for Lunenburg. 19 Dec'r. Edmund Murray Dodd petitioned against the return of members for Cape Breton. 20th December, John Heckman was sworn in. 21st Dec'r., messrs. Bingay and McKinnon, members for Shelburne county, were sworn in. John Steel petitioned against the election for county of Sydney. 22 Dec'r., J. G. Marshall, member for county Sydney, was sworn in. Saturday, 23 Dec., the house resolved that the vote tendered for Grassie at the Halifax election, at the close of the poll, should be received, and counted in his favor, and that Grassie should be returned as member by a vote 21 to 11. 28 Dec'r. James S. Morse, for Amherst, and George Grassie, for Halifax, were sworn in as members. Sir James Kempt. by message, informed the house of his willingness to reduce the amount of fees in the Court of Chancery; also that the crown was willing to divide the counties of Halifax and Annapolis, and to increase the representation in assembly to a certain extent. He also recommends a survey to divide the province accurately into counties and townships, which he thinks may be done in three or four years.

1821. 2 January, tuesday. Witnesses were examined at the bar of the house respecting the Cape Breton election. On the 12 January, friday, a very interesting debate arose on the subject of the custom-house fees. The amount and the vexatious mode of collecting them, particularly on our coasting vessels, had become a serious grievance. William Fraser, esq., the member for Windsor, opened the debate by a speech of some length. He painted in strong colors the weight of taxation by which the coasting trade of the province was oppressed. A most animated discussion ensued; and the house having met at 2, P. M., which was much later than its usual time, and continuing to sit until evening came on, some heat and confusion took place, which was at length terminated



by an adjournment of the debate. Next day, Saturday, 13th January, the lobbies of the house were thronged by an anxious crowd long before the hour of opening, and as soon as the galleries were opened they were filled by about 500 persons. (Sherman Denison, returned for Horton, in place of Crane, deceased, was sworn in.) The chief speakers in this day's debate were Mr. Marshall. Mr. Haliburton, and Mr. Smith, in support of Mr. Fraser; and Mr. Uniacke, Mr. Archibald and Mr. Dewolf opposed. It was admitted on all hands that our coasting trade labored under an intolerable burthen, and that relief was highly necessary and desirable. The first resolution offered by Mr. Fraser, in substance, was, —reciting the British act of 1778, renouncing the power of imposing duties and taxes on the colonies,—that ‘no duty, tax or assessment,’ except for regulation of commerce, can be imposed on the colony, but with assent of the provincial assembly. To this resolution Mr. Archibald moved an amendment, in order to address the lieutenant governor on the hardship arising from custom-house fees, especially on the coasting trade, ‘and to’ ‘request the aid of his excellency in procuring for them relief’ ‘from the operation of these laws under which those fees are’ ‘claimed and paid.’ Mr. Archibald and his supporters contended that an humble representation to H. M. government was at once the most respectful method that could be adopted, and the most likely to ensure success; —that the act of 1778 referred to, was an act of necessity in the parent state as well as of justice forced from her in a period of great alarm and difficulty, and of which it might, perhaps, be offensive, and surely was unnecessary to remind her. On the other side it was said that the province had less chance of being listened to by H.M. ministers, if she did not display a becoming firmness in support of her rights; —that evils of an oppressive magnitude were admitted to exist,—and that the true constitutional method was to bring in a bill, with a suspending clause, and to support it by an address; —that the idea that had been thrown out of relief being obtained in our courts of justice, was fallacious,—that the grievance was of too general a character, and the subject too obscure to admit of so easy a

remedy;—that the power lay in the legislature, and there only;—that the island of Jamaica had used this course with success;—that it was necessary to recite the act of 1778, because, at the time, that and the other acts regulating trade passed, Nova Scotia included New Brunswick, Prince Edward island and cape Breton as one province, and now the custom-house treated them as separate countries, charging fees on their intercourse with each other as on foreign voyages, without authority from parliament;—that the allusion to this act could not be regarded as obnoxious, when parliament had adhered to its principles with such commendable fidelity, and it was the chief foundation of provincial freedom—the *magna charta* of British America. The amendment was put and lost, and the original resolution passed, 23 being for it and 14 against it. Mr. Fraser then moved that a committee be appointed to bring in a bill, declaratory of the fees to be paid by the vessels engaged in the coasting trade of the province, which passed, 30 being for it, and 7 against it; and a third resolution, for an address to the lieutenant governor on the subject, was passed unanimously. A bill was brought in for preservation of the herring fishery in the bason of Annapolis; and Andrew Meuse, a Micmac, petitioned, 16 January, against the measure, as interfering injuriously with the porpoise catching pursued by the Indians.

By the public account, the revenue of 1820 was £48,827 os. 7d.; sums appropriated, but undrawn, £6364 15s. 11½d.; funded debt on interest, £15,300; treasury notes in circulation, £58,227 10s. od.; total, £79,892 5s. 11½d.,—shewing a balance of debt against the province of £31,065 5s. 4½d. An address was adopted, 24 January, in which both houses pray the king against the lowering of the duty on foreign timber brought to Great Britain, or increase of the duty on provincial timber. They plead the restrictions kept up on their commerce and their importation of British manufactures, as reasons for indulgence and favor.—The house having heard counsel and witnesses at their bar on the petition of John Steele and others, against the election for Sydney county, on several days, finally, 27 January, dismissed the petition, and acquitted

the sheriff, David McQueen, of the charges brought against him. 29 Jan'y. The house passed an address to the lieutenant governor, on the subject of custom-house fees. The ground taken was, that under the fee table of 1769, still in force, the trade to all parts of the then province of Nova Scotia was subject only to 5s. 11d. on entry and clearance of a vessel, it being considered a coasting trade, but that since New Brunswick was dismembered from us £2 2s. was charged instead. On the 1 February his excellency promised to transmit this address, and augured favorably of its results. 2 Feb'y., the house resolved to place £500 at the disposal of the lieutenant governor, to pay the inspecting field officers of militia. 4 and 5 Feb'y., a bill to divide the counties of Halifax and Annapolis was discussed. 6 Feb'y., the council agreed to a vote of £10,000, passed in the house, for roads and bridges. 12 Feb'y., (monday.) Richard Blair, esquire, returned member for the county of Cumberland, in place of George Oxley, deceased, was sworn in. The answers of the collector and comptroller at Halifax to the address on custom-house fees, and a report of the committee of the house on the same subject, are on the journal of 1820-1, pp. 85, 86, 87, 88. On 13 Feb'y., after hearing counsel and evidence, the house dismissed Mr. Dodd's petition against the cape Breton election. 21 Feb'y. The house passed an address, complaining of the legislature of New Brunswick for imposing 7s. 6d. a ton duty on gypsum brought there. It seems that the United States had shut out our Nova Scotia vessels from their ports, and that advantage was taken of this. The address asks his excellency to apply to the governor of New Brunswick to obtain a repeal of this exaction,—to the admiral not to aid in enforcing it, and, if necessary, to appeal to the king against it. 24 Feb'y. Sums voted by house concurred in by the council, among which £1250 for agriculture; £500 inspecting field officers; £239 7s. 6d. for post couriers; £600 for survey of counties; £100 to poor man's friend society; £400 Pictou academy. 26 Feb'y., £200 Acadian school; £100 National school; £862 for post communication; £1000 Dalhousie college. 27 Feb'y. In committee of supply a question was introduced respecting the interference of the

government of Newfoundland with our fishing and trading craft resorting to Labrador. Jennings and Long, belonging to Halifax, were engaged there, and their vessel seized ; so the house voted £100 to support the two men in the appeal from the Supreme court in Newfoundland to the king in council. 28 Feb'y. £200 was voted for the catholic school. Saturday, 3 March. Sir James Kempt closed the session with a speech, in very kind terms, evincing his satisfaction with their proceedings, and then prorogued the assembly.

Among the acts passed this year there was a new militia law, containing 93 clauses ; an act to extend the laws and ordinances of the province of Nova Scotia to the island of cape Breton ; an act to regulate the trials of controverted elections, &c., embodying the principles of the Grenville act, and transferring the powers heretofore exercised by the whole house to a sworn committee : an act authorizing the issue of 10s. and 5s. province notes, and another to prohibit private paper money for any sum under 26s. ; a bill to incorporate the governors of Dalhousie college, and a bill giving a new and reduced table of fees in chancery.

The rare instances in which Halifax harbor becomes locked up with a solid bridge of ice, depend on the concurring of a certain low temperature with perfectly calm weather for a few days and nights. The early part of 1821 was one of those periods. The newspaper (*Acadian Recorder*) of saturday, 20th January, says : "The weather during the last week has been "intensely cold. The thermometer has stood several times "below zero, and we have now the novel spectacle of our "harbor frozen entirely over, and a crowd of passengers and "skaters moving upon it." 27th, the thoroughfare to Dartmouth on the ice was constant. The water was said to be frozen as far out as the lighthouse. (23d, a ball was given by the flank companies of the Halifax militia, at which above 300 persons were present.) Feb'y. 3, a young man, named William Crowe, was drowned in attempting to cross on his return from Dartmouth, opposite the Dockyard. The ice in that place is usually unsafe when elsewhere strong, and a youth, named Gibbs, lost his life also, trying to rescue Crowe. Several others



who had run to the spot on hearing the cry of distress, came near losing their lives, viz., Crowe, senior, (the father), Mr. Ritchie, naval yard, Mr. Joseph McCormack, Mr. Samuel Morris, captain Hawbolt, and Mr. Room. By the 17 February the harbor was nearly free from ice.

In the April term of the Supreme court at Halifax I find a sentence passed on a person convicted of forgery: 'Pillory, one hour—to have one of his ears cut off, and suffer imprisonment for the space of one year.' In May, part of the 81st regiment, of which Sir James Kempt was colonel, arrived here from Cork, to replace the 15th. In July, the lieut. governor visited Lunenburg, Liverpool and Shelburne, going by water in the provincial vessel the Chebucto, lieut. Stewart commander. He took with him lord Frederic Lennox and lieut. colonel Arnold. While at Liverpool (13 July) he was waited on by the magistrates, and salutes were fired by the militia. He visited the bridge—dined and lodged with colonel Joseph Freeman, and next day received an address, at the house of the *custos rotulorum*, Joshua Newton. After this he laid the foundation stone of Trinity church, accompanied by the rev'd. William Twining, the rector, and by the churchwardens, Joseph Freeman and Benjamin Knaut, and the commissioners of the building, Joshua Newton, James R. Dewolf and Caleb Seely. Sir James, after returning to Halifax, made an extensive tour in the Eastern part of the province, from which he got back on the 10 August. While at Pictou, 1 August he attended a public examination of the academy, of which Dr. McCulloch was the principal. On the 27 August, Sir James arrived at Sydney, cape Breton, in the Chebucto. On 3 Sept'r. he came to Arichat, where he received an address, and staid several days. We find appointments made at the War office, 3 Aug., 1821, of brevet lieut. colonel hon. George Lionel Dawson, on half pay, of 69th foot, and major George Raitt, half pay, of 85th foot, with rank of lieut. colonel in the army, as inspecting field officers of militia in Nova Scotia. The trial of the Queen,—the coronation—the death of queen Caroline—the second expedition of Parry to the Polar discoveries, and the insurrections in Greece, cover the columns of our periodicals in 1821,

but little material can be got from them for local occurrences. (Parry was a few years before a lieutenant in the Royal navy on this station, and assisted in an amateur theatre conducted by officers of both services. It was in a large red store in Water street, nearly opposite Bermudian wharf.) Monday, 17 September, a fire occurred in Halifax, in the block in which the Baptist chapel, in Granville street, is situated, and about 24 houses were destroyed. Sir James Kempt, and the officers of garrison and navy, used much exertion to stop the mischief. 22 Sept'r., his excellency went to Windsor. On Friday, Oct. 5, he reviewed the 2d battalion Halifax militia, on the common. On Monday, 8th, he inspected the 1st battalion, under Colonel Jeffery, and the militia artillery, under Major Richard Tremain.

Rear Admiral Griffith was now promoted to be a Vice Admiral, and had permission to change his name to Griffith Colpoys. His term on this station had expired, and Admiral Fahie was expected from the West Indies to replace him. On this occasion an address was presented to the retiring officer, (18 October), complimenting him, and requesting his acceptance of a public dinner. The entertainment was held Thursday, 25 October, at Mason hall. Judge Halliburton was chairman, and J. G. Pyke, Esquire, vice. The lieutenant governor, and the officers of army and navy, were guests. 18 regular toasts were published. Besides these, the healths of Judge Halliburton, Wallace, Uniacke, Pyke and John Young were given, and songs were sung by some of our eminent men.

By a notice, dated 3 November, the Northern district of the island of Cape Breton was divided, by order of the lieutenant governor and council, into three townships—Sydney, Saint Andrew's and St. Patrick's, the bounds of which are described in the notice.

## APPENDIX TO CHAPTER XXXV.

## DEATHS.

At Chester, 12 February, Thomas Thomson, esquire, in his 82d year, He was a loyalist, and had a pension for military services,—was 18 years major of militia, and left a large family.

At Newport, 1 March, John Allison, esquire, in 67th year.

At Shelburne, 18 February, Frederick Weiser, aged 77, a loyalist, a native of New Brunswick, in New Jersey.

At Dorchester, New Brunswick, 11 April, William Black, esquire, aged 92,—came from England in 1775, with a family of 7 persons, and lived to see it increased to 160.

At Eastern Passage, Jacob Horn, aged 101, one of the first settlers.

At Cape Sable island, 2 January, Archelaus Smith, esquire, aged 87. He had 9 children, 97 grandchildren, and 219 great grandchildren?

## CHAPTER XXXVI.

1822. The assembly met on thursday, 14 February, (12th general assembly—2d session.) Sir James Kempt, in his opening speech, said : “ In the course of the last summer, I ”  
“ had the satisfaction of visiting a considerable portion of the ”  
“ province, and I was particularly gratified to observe a spirit ”  
“ of increasing industry, and of agricultural emulation, exten- ”  
“ ding rapidly among all classes of the inhabitants.” “ In ”  
“ some districts considerable distress is unfortunately felt, ”  
“ occasioned by the great depreciation which property of all ”  
“ kinds has experienced within these two years ; but embar- ”  
“ rassments, arising from the same cause, are felt in the ”  
“ mother country, and indeed in every part of the world with ”  
“ which we have any commercial communication.” He also says : “ The provincial revenue being almost entirely raised ”  
“ from duties on importations, has been very sensibly affected ”  
“ by the diminution of our trade ; and the receipts of the last ”  
“ year are considerably less than those of the preceding. It ”  
“ is satisfactory, however, to observe, that though diminished, ”  
“ the revenue is still amply sufficient, with the aid given by ”  
“ the mother country, to defray all the expenses of the colo- ”  
“ nial government, as well as to discharge with punctuality ”  
“ the interests of its funded paper, leaving a surplus applica- ”  
“ ble to such purposes as may best promote the public wel- ”  
“ fare.” He mentions the commerce and fisheries as subject then to considerable depression, and recommends industry, as well as prudence and economy, in private and in public affairs. On the 18th he informed the house, by messages, that the



duty on plaister of Paris, imposed in New Brunswick, had been repealed, and of the disallowance, by his majesty in council, of the act for the improvement of the common of Halifax—the act relating to marriages and the issuing of marriage licences, and the act for appointing clerks of the Supreme court and Inferior courts.

The very low prices that our farmers could now obtain for their stock and produce, had become to them and to the country a serious misfortune, and as protectionist ideas were prevalent, two public meetings of merchants and others in Halifax discussed the state of trade, in a full report on which, passed at the second meeting, on the 9th February, bounties on salt, on merchantable fish, the modification of the attachment law, a duty on flour brought from the United States, and on live stock, with other measures, were recommended. The increased tax on live stock, as well as most of the other propositions in the report, were unanimously adopted, while the tax on American flour was supported by 46 for it, against 29 who objected. In the house, 21st February, additional duties were voted on live stock, on apples and pears, and on hops, from the United States. (The live stock imported from the United States at the port of Halifax in the year 1821, were 33 oxen, 7 young cattle, 34 pigs, 594 sheep, and 33 horses.)

The account this session shows a revenue of £22,196 7s. 6½d.; notes in circulation, £63,877 10s. od.; funded debt, £16,400; sums appropriated, undrawn, £4851 7s. 9½d., with a balance against the province of £42,932 10s. 3d. Monday, 25 Feb'y. Moved a resolution, which stated that the inhabitants of cape Breton were principally of the Roman catholic religion, and that Lawrence Kavanagh, one of the two members they had chosen to represent them, was of that creed, and, though willing to take the state oaths, he could not conscientiously subscribe the declaration against transubstantiation. It proceeded to permit him, on taking the oaths, to sit in the house until his majesty's pleasure should be known, provided the lieutenant governor approved it. This resolution was lost, 13 voting for it and 17 against it. For the motion:

Grassie, Dewolf, Poole, Freeman, W. Dickson, Lawson, Uniacke, Archibald, J. I. Chipman, T. Dickson, Flemming, McKinnon, Bishop. Against the motion : Sargent, W. H. Roach, Parker, W. A. Chipman, Wells, O'Brien, Haliburton, Ruggles, Fraser, Church, Denison, Marshall, Ritchie, Young, Albro, Campbell, Robertson. Meanwhile, a bill 'to remove' 'certain disabilities, which H. M. subjects, professing the' 'Popish religion, now labor under in this province,' (which had been introduced by Mr. W. Fraser, the member for Windsor, 20 February), passed the house, and was sent to H. M. council on the 28th. At a conference next day, friday, 1 March, the council stated that they had concurred in the opinion entertained by the house, that the admission of persons professing the Roman catholic religion into the legislature of this province would not be attended with any evil consequences, but would, on the contrary, tend to preserve the subsisting harmony among the people of different denominations. They feared a general bill, so directly opposite to the Royal instructions, might be thought indecorous by the king, and the object be thus frustrated. They offered to concur in any bill to admit Mr. Kavanagh to a seat. On the 2 March, Mr. Fraser stated that he had prepared resolutions in answer to the message received yesterday from his majesty's council, respecting Roman catholics, and which he moved as instructions to be given to the committee appointed to hold the conference.

Resolved, the house agree with his majesty's council, that no evil consequences will attend the admission of Roman catholics into the legislature of this province, (but regret that such a subject should be at all agitated in this colony, before the mother country had decided so important a question.) The house, sensible of the harmony that now happily prevails among his majesty's subjects of every religious denomination, are unwilling to disturb that peace by partial and individual legislation.

The house are fully aware that any bill, which has for its object the admission of Roman catholic (persons) to seats in the legislature, (is in violation of his majesty's instructions ; and are of opinion, that any legislative enactment to admit

persons) on terms other than these direct, without a clause suspending the operation of such bill until his majesty's pleasure should be known, would be indecorous in the legislature (of this province.)

That a bill, which had for its object the admission of the Roman catholic representative elected for the county of cape Breton to a seat in the assembly, has already been duly considered by the house, and dismissed, there being no necessity apparent in the case of that individual contra distinguished from what exists in other counties and townships of this province, and there being likewise no suspending clause to the bill.

(The house are not aware of any discretionary power, constitutionally vested in his majesty's council, to dispense, under any circumstances, with a compliance of his majesty's instructions ; and are fearful, that the liberal views of the friends of the Roman catholics would be defeated, even in the case of a favorite individual, were such undue assumption of power attempted.)

The house cannot concur in any bill of a private or individual nature, or be induced to legislate on terms less general than are comprehended in the bill now before his majesty's council.

Mr. J. I. Chipman moved an amendment, the purport of which was, to allow Mr. Kavanagh to take his seat, which was negatived by a majority of 21 to 12. It however appeared to the house that the two last clauses of the resolutions were exceptionable, and several amendments, moderating the same, were passed and ultimately adopted.

These amendments consisted chiefly in omitting those parts of the resolution included here within parentheses.—The question of imposing a duty on flour imported, was discussed. Marshall was for the tax, but most of the house opposed, and it was negatived by 21 to 10. 5 March. The council, by message, requested the assembly to unite with them in an address to obtain an alteration of the Royal instructions, so as to admit Roman catholics, on taking the state oaths, but without subscribing the declaration against Popery and transubstantiation,

'to sit and vote in the legislature—to act as magistrates,' 'and to be admitted to the bar, and hold other offices in this' 'province.' On the 6 March, it was moved by Mr. Archibald that the house should join his majesty's council in the proposed address to his excellency on the catholic disabilities. A general bill, it was argued, in entirely removing these, had passed without any show of opposition; and Mr. Archibald could not doubt that the house, following up its own measure, would cordially join in the address; as in this way only, by obtaining the concurrence of the parent government, could any reasonable man expect, that the free admission of catholics to offices of public trust and dignity in this province would ever be effected. Mr. Dewolf remarked that after the assurances which had been given that the house was disposed to legislate in favor of the catholics generally, he did not anticipate any objections to join in the address. Were it otherwise—were this motion rejected or opposed, then would follow a most glaring inconsistency. There would then be the most ample ground for suspecting that the men who introduced and advocated the general bill did not wish it in their hearts to pass into a law—that it had received their unanimous support in the confidence that it must fail in that shape in the superior branches of the Legislature, and their real views and purpose would now become too palpable and evident. Mr. Haliburton proposed as an amendment this resolution, that the house think it inexpedient to join his majesty's council in any address on the subject, the present session. This amendment was put after a brief debate, and carried by a majority of 22 to 11. For the amendment: Bishop, Ruggles, R. Dickson, Wells, W. A. Chipman, Ritchie, Roach, Young, Church, Blair, Marshall, Fraser, James, Robertson, Haliburton, W. H. Roach, Wier, Denison, Sargent, Morse, Heckman, Campbell. Against the amendment: Grassie, Albro, W. Dickson, T. Dickson, Lawson, O'Brien, Dewolf, Poole, Flemming, J. I. Chipman, Archibald. On the 1 March, the lieutenant governor recommended that the £100 additional salary voted annually to the judges of the Supreme court, be made permanent, and some extra allowance given those who went on the cape Breton



circuit. He also brought to their notice that the sheriff of cape Breton claimed an increase of emolument. 7 March. The house resolved itself into a committee for the further consideration of his excellency's message, respecting the sheriff of cape Breton. After some observations, Mr. Robie submitted a resolution to the following effect: 'That a sum not exceeding                    should be voted to his excellency to enable him to compensate the sheriff or his deputy for his services in the island of cape Breton, if it should appear to his excellency, by a certificate of the judge of his majesty's Supreme court, that he had not received sufficient compensation; and that it be recommended to insert a clause in the appropriation bill, for the present year, for that purpose. A warm debate ensued. — Lawson, Haliburton, W. H. Roach, Church, and several others, opposed the resolution—Robie, Archibald, Uniacke and Marshall defended it. It was contended on the one hand that there was no evidence before the house of the actual emoluments of the office at the present time, which ought to have been furnished—that the same sum which appeared insufficient to Mr. Ward might fully satisfy another—that he might have other objects of pursuit, and it was not necessary the house should hold out a lure for applications when there were others ready to take the office—that the roads in cape Breton were not worse nor the population more scattered than in some other counties of the province—that the one were in course of repair and the other would increase—that if relief were really needful, it was better to increase the fees of travelling and service than to impose a new burden on the civil list—that a grant on this principle might introduce a most dangerous precedent, and applications might be expected next from the sheriffs at Shelburne and elsewhere—that Mr. Ward might perform his official journies in a boat, which was an easier and a cheaper conveyance than a horse and gig, and lastly, that the public funds would not admit of such an expenditure. On the other hand it was maintained, that the fees of the office were inadequate, and the sheriff ought to be paid for his exertions—that it would be time to institute a comparison between cape Breton and other counties when the roads

were in the same condition—that when Mr. Archibald travelled the circuit of cape Breton last year he recollected the prothonotary telling him that his fees did not amount to 40s. annually from one end of the island to the other—that the present resolution was cautiously worded, and left a control over the actual payment of the money in his excellency, and that if it appeared to the house next year, on a more minute inquiry, that nothing ought to be granted, the grant would not be renewed. For the resolution 23, against it 15, when it was agreed to fill up the blank with the sum of £50. On the 15th March, a message from his excellency the lieutenant governor stated that he received a dispatch from earl Bathurst, accompanied by the report of the commissioners of the customs, made to the lords of his majesty's treasury, relative to the complaint of the house of assembly, transmitted home last session, of certain fees taken by the collector of his majesty's customs at this place. The message also stated that it was the intention of his majesty's government to submit a bill to parliament, regulating the fees to be taken in the British colonies in future. The report was in substance as follows: That the address which had been transmitted from the house of assembly had undergone a mature and impartial deliberation, and that it was the opinion of their lordships that no alteration could take place in the fees received at outports in this province; and that although it was asserted that several offices are concentrated in one individual, yet the expence of keeping up remote establishments requires that the same fees should be demanded as in Halifax. The board state, that in several instances the collector of his majesty's customs at this port had omitted to take the whole of those fees to which he was entitled; and conclude by recommending that his majesty's ministers would make a distinction between the fees charged on the trade of the provinces of Nova Scotia, New Brunswick and Prince Edward island, with each other, from those on voyages to the United kingdom.

At this period, pirates who resorted to Cuba for shelter attacked vessels in the West Indian seas, and many provincial vessels were robbed, and some of our people murdered by

them. The council and assembly addressed his majesty on the subject, praying his interference for the protection of our West Indian vessels.

March 22. On the discussion of a bill intended to limit and restrain the attachments of property for debt, a debate of some interest ensued. Messrs. Uniacke, W. H. Roach, Church and Marshall were in favor of the bill, while Mr. Archibald, Grassie and Haliburton opposed it. By the one party it was urged that the attachment law was unequal and oppressive in its operation—that after a trial of many years it was universally reprobated—that such process was not believed to exist in any other part of his majesty's colonies—that it had brought sudden and irreparable ruin upon many worthy individuals—that the expense and number of suits it occasioned were notorious—that an equal division of the debtor's effects among creditors was the most equitable of all arrangements—that long credits—the curse of Nova Scotia—were encouraged by the law as it now stood—that bankrupt laws had been found essential in all mercantile states—that it was high time to introduce similar enactments here, and that the present bill might be so modified as to do away with all reasonable grounds of objection. It was stated on the other hand that it was extremely dangerous to interfere rashly and hastily with the judicial forms of a nation—that the people of Nova Scotia were famed for their dexterity in evading the laws by giving to one creditor an undue preference—that the expense of commissioners and trustees would press as an additional burden upon insolvent estates—that it would be wise to wait another session, in the hope that some scheme which would unite the wishes of all men might be suggested, and that many clauses in this bill were exceptionable and ought not to pass. The committee divided on Mr. Haliburton's motion for that day 3 months, there appeared, for the motion: Mr. Speaker, Haliburton, W. Dickson, W. A. Chipman, Albrow, Wier, Lawson, Young, O'Brien, Archibald, Freeman, Grassie, Dewolf, Ritchie, Sargent. Against it: Marshall, Uniacke, T. Roach, Wells, Poole, W. H. Roach, Heckman, Parker, Church, Blair, Bishop, Flemming, Ruggles, Robertson, R. Dickson.

The division being equal, Mr. James, chairman of the committee, gave the casting vote against the motion, by which the bill was retained. This act did not eventually pass. £400 was granted to the Pictou academy; £800 to the agricultural society. 29 March. £6250 for roads and bridges was divided by the house into portions for different roads and districts. 3 April. £767 12s. 3d. was concurred in by the council for post communication, 10 April. An order was made that no person should be admitted into the gallery of the house without a ticket from some member. On the same day the assembly was prorogued.

A light house had now been erected at the entrance of the gut of Canso, on Cranberry island; and an act was passed in this session, imposing light duty on all the vessels passing and coming to anchor in the gulf, the straits of Canso, St. Peters, Arichat, &c.; an act restraining wooden buildings in Halifax; an act giving each of the three *puisne* judges of the Supreme court £600 a year, besides their allowance of travel, were passed this session. Propositions for bounties in favor of the fisheries were rejected; and the proposal to impose duties on flour and wheat from the United States shared the same fate. Discussions respecting a bank proved equally abortive. (On the 2 April the University of Glasgow conferred degrees on the rev. Dr. Thos. McCulloch, and the rev. Mr. McGregor, of doctors in divinity,—on S. B. Robie and S. G. W. Archibald, of doctor of laws.) Thursday, 16 May, the French man-of-war *L'Africaine*, 44 guns, captain Epron, was wrecked on Sable island. The officers and men, about 250 in number, were saved, and brought to Halifax. They left Halifax for Brest 13 June, in the ship *Victory*. The 1st class of the Avon bridge lottery was advertised; 5000 tickets, at four dollars each. There were to be 1761 prizes—the highest 1000 dollars. Sir James Kempt left town, accompanied by his *aides-de-camp*, on sunday, 30 June, on a visit to the Western parts of the province. (A severe thunder storm was felt about this time on the peninsula of Halifax.) On sunday, the 8 July, he arrived at Digby. He then went to New Brunswick, and returned to Halifax 25 July. In August, under an act of



parliament, passed 24 June, 1822, 5s. sterling per barrel duty was placed on flour coming here from the United States. There were two important acts passed, 3 G. 4, c. 44 and c. 45. The importation of provisions, lumber, cattle, tobacco, &c., from any foreign country in North and South America and the West Indies into all the chief ports of British North America and the British West Indies, was allowed, under a fixed scale of duties, and a free export was allowed from our ports. The importation of the productions of foreign countries in Europe into our British North American provinces was also permitted, and a schedule of duties annexed. The duties on both import and export were to be collected by the Imperial officers of customs, but the net revenue thus obtained was to be at the disposal of the colonial assemblies. Wines were subject to duties varying from 7 to 10 guineas per ton of 252 gallons, besides  $7\frac{1}{2}$  p. c. ad valorem. The acts are long documents, with many regulations. They were considered then as indicating a complete revolution in the commercial policy of Great Britain, as a great and unexpected relaxation of the navigation laws, and a boon offered in the liberal spirit of the age to these Northern colonies and the British West Indian islands.

August 21. Sir James Kempt embarked in the government brig *Chebucto*, for Sydney, C. B. Lord Frederick Lennox and captain Yorke accompanied him. Judge Halliburton and Mr. Archibald were passengers.

The people of Cornwallis had, at an expense of about £10,000, built a new dyke, (*Wellington dyke*), enclosing above 1000 acres of marsh redeemed from the sea. They had been five years on this work, and it was nearly completed, when the sea broke in (August, 1822) and destroyed it. [Undismayed by this calamity, they persevered and restored the dyke. I subsequently saw it under a crop of grain, covering, apparently, the whole extent of the marsh.] They were in the habit of working at it all night, but on this occasion the workmen had, providentially, retired a few hours before the event occurred, in consequence of the great fatigue they had undergone.

7 Sept'r. At 8, A. M., Sir James Kempt landed from the Chebucto, at Guysborough, under a salute from the Sherbrooke battery, and a salute of 17 guns was also fired by Christian Muller, esq. At 10 o'clock he received an address from the inhabitants, (in which it is stated 'that this settlement was originally formed by loyalists, who left the' 'British provinces, now the United States, from attachment' 'to their king and country, and by troops who were disband-' 'ed at the close of the American revolution.') In the evening he arrived at Antigonishe, with lord F. Lennox, captain Yorke, hon. judge Halliburton, J. G. Marshall, and Robert Cutler. Here he was saluted by the artillery company, under captain R. N. Henry, with 17 guns. On the morning of the 9th he received an address from the inhabitants of Antigonishe, and reviewed the militia of the district. At 11, A. M., he, with his suite, left the village, and was attended to the Town point, a distance of 5 miles, by the hon. the judges on the circuit, the representatives of the county, clergy, magistrates, and all the principal inhabitants of the district. After his visits to cape Breton and Sydney county, he returned in the Chebucto to Halifax, which he reached 18 September, and on the 20th he reviewed the two battalions of Halifax militia, who had been under three days' drill.

The academy at Pictou was now in active operation. On the 1 August, 1822, at the annual examination, about 30 students were present. Of these, nine were of the divinity class. Considerable attainments in English composition—in mathematics, and the ancient languages, were exhibited. Dr. Thos. McCulloch and the rev. Mr. McKinlay, who were the teachers, were undoubtedly men of large acquirements and great industry. Dr. McCulloch evinced superior talents, especially in his humorous and sarcastic publications. In serious affairs, however, he was unremitting in the theological department, and from his seminary came many talented Presbyterian clergymen—the rev. messrs. John McLean, George Patterson, Murdoch, &c. &c. My lamented friend, Jotham Blanchard, elected member for Halifax county in 1830, was a pupil of this academy. A. P. Ross, A. McDougall, and others, were

distinguished scholars there ; so was the present Recorder of Halifax, William Sutherland, and, I believe, the late George Renny Young, son of Agricola.

On 18 October, the French *corvette* L'Egérie, captain Béhic, arrived at Halifax, bringing despatches from French minister of marine for his excellency the lieutenant governor, expressing the deep impression made in France by the kind manner in which the officers and crew of the *Africaine* had been treated in Halifax, after their shipwreck. The decoration of commander of the legion of honor for Sir James Kempt, and presents for captain Darby and Mr. Hudson, of Sable island, were transmitted. (There was a gold medal, with 2400 francs in money, from Louis 18 to captain Joseph Darby, master and owner of schooner Two Brothers, for his humane efforts in saving the crew ; and a similar medal and sum of money to Mr. Edward Hudson, superintendant of Sable island, and a gratuity to two of the servants there. The presentation, by captain Béhic to capt. Darby, took place at the council chamber on tuesday, 22d October, Mr. Wallace attending as commissioner of Sable island.) The hon. Enos Collins was appointed one of H. M. council by his excellency, and sworn in on tuesday, 24 October. Major Gore was now promoted—capt. Yorke became *aide-de-camp*, and lieut. colonel George Couper military secretary to Sir James Kempt.

I do not think that there was any period in the history of Nova Scotia in which the progress of the country was more thoroughly paralysed than it was in this year, 1822. All the unfavorable effects of the change from a war establishment bringing money into the country to a state of peace, and of the reduction of squadrons, garrisons, dockyard, &c., had now their full operation. The value of buildings and lands in Halifax, and generally throughout the province, had sunk to a low amount ; and the stagnation of business had made real estate almost unsaleable at any price. At this time the town of Halifax contained, as nearly as I can judge, less than 2000 dwellings, many of which were then unoccupied. The Province house, Government house, the Dalhousie college, were built of stone. The county court house was the brick build-

ing now occupied by the offices of the corporation. In Hollis street there were four or five brick dwelling houses, and two or three of brick and stone in Argyle street. In the whole town there were not more than twenty buildings altogether of any other material but wood. The oldest stone buildings were the Bulkeley house, now miss Cogswell's, corner of Argyle and Prince street; the stable on Wallace street, called Grant's folly,—doctor Almon's, Argyle street.—Mr. Harts-horne's, Barrington street, (since Robie's), and Mr. Grassie's, (now the International hotel.) Loveland's corner, G. M. Hali-burton's corner, and messrs. W. & J. T. Hill's, were of brick. The rest of the town was all of wooden materials, mostly of one or two stories high, and in many cases of very poor fabric. The most palpable proof of the dullness of the period was that during the whole of the year 1822 no new building of any kind was attempted, and no repair or improvement went on. As far as an eye witness could observe, it is my impression that hardly a man was employed in that year to put on a shingle or clapboard to any place in Halifax. As to enlargement or improvement just then, it was out of the question.

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## APPENDIX TO CHAPTER XXXVI.

### (1.)

1822. Died, 20 March, at Nantucket, Seth Coleman, aged 78 years, formerly resident in Dartmouth, N. S.

Died, at Miramichi, Territ Lister, in his 92d year. He had been cockswain of the boat that landed Wolfe at Louisbourg, and was long employed as a navy pilot.

Died, January 3, at Digby, Isaac Hatfield, aged 74, a loyalist. He had been lieut. colonel commandant of the corps of West Chester refugees.

Died, March 10, at Dartmouth, Lawrence Hartshorne, esq., in 67th year of his age, a loyalist, born in New Jersey,—had been member of assembly and of H. M. council—a man of high integrity and independence.

Died, March 15, at Shelburne, Thomas Smart, aged 89. He had been in the Royal Artillery at the reduction of Louisbourg and Quebec, and held 1s. a day pension.

Died, 27 May, John Solomon, esq., aged 82.



Died, 18 May, at Lisbon, John Jeffery, aged 82, H. B. M. consul general, formerly M. P. for Poole, (father of hon. T. N. Jeffery.)

Died, 27 August, at Ramsgate, England, the hon. Alexander Brymer, aged 75, formerly of H. M. council, N. S.

Died, 14 October, the hon. James Fraser, in his 61st year.

## (2.)

CENSUS OF PARRSBOROUGH, N. S., 1 FEBRUARY, 1822.

Families, 223; men, 336; women, 293; boys, 368; girls, 290. Total, 1287.

## (3.)

In the month of December, 1822, according to a statement in the newspapers, there passed the 9-mile house, (Bedford basin), the following for the Halifax market:—

Beef cattle,	-	-	-	-	-	1511 head.
Milch cows,	-	-	-	-	-	49
Sheep,	-	-	-	-	-	6471
Calves,	-	-	-	-	-	133
Hogs,	-	-	-	-	-	50
Hay,	-	-	-	-	-	360 loads.

## (4.)

HIS MAJESTY'S COUNCIL, 1821.

S. S. Blowers, president.

Right rev'd. Robert Stanser, bishop of N. S.; Michael Wallace, Charles Hill, Richard J. Uniacke, Charles Morris, Thomas N. Jeffery, James Stewart, John Black, Brenton Halliburton, James Fraser, Hibbert N. Binney.—R. D. George, esquire, secretary.

## CHAPTER XXXVII.

1823. The assembly met thursday, 13 February, (12th general assembly, 3rd session.) His excellency, in the opening speech, congratulated the legislature 'on the improving state' 'of the province in almost every branch of its industry.' He expressed great hope that the recent acts of parliament would lead to enlarged commerce. He also stated that the revenue had proved sufficient for public exigencies, and recommended them still to exercise prudence and judgment in the application of their means. In the reply of the house, they advert to the exertions made by the lieutenant governor to acquire a knowledge of the country, and praise his judicious and impartial administration. Saturday, 15 Feb'y. Mr. Marshall introduced a bill respecting schools, and another concerning writs of attachment. Feb'y. 20. The bill respecting schools was taken up in committee of the whole house. Mr. Marshall explained its objects. Its distinguishing feature was that the money for supporting the common schools in each county should be raised by local assessment. Messrs. Archibald, Ritchie and Haliburton complimented Mr. Marshall for the pains he had bestowed on framing this act, but were afraid that the principle on which it rested was too objectionable to be adopted. Mr. Haliburton proposed it should be referred to a select committee. This the house agreed to, and messrs. Marshall, Haliburton, Ritchie, Blair and J. I. Chipman were so appointed. (They afterwards reported the bill, with amendments. It then passed the house, but was eventually negatived in the council.) Feb'y. 24, (monday.) On the second

reading of Mr. Marshall's bill concerning writs of attachment and insolvent debtors, the purpose of which was to enforce an equal distribution of the effects in case of insolvency, a debate of great length ensued, in which Mr. Dewolf, having moved that the bill be read again that day three months, Mr. Archibald expressed himself hostile to the measure in its present form, and explained very fully the grounds of his dislike. An act of so important and comprehensive a character required the exercise of extraordinary ability and exertion. An intimate acquaintance with the principles of general law and the state and circumstances of our local situation was also indispensable. The relation at present existing between debtor and creditor was to be entirely subverted—new habits engendered—rules of practice, till now unknown, introduced—and our whole commercial and legal system was to undergo a revolution. To these difficulties, in the adoption of any measure, must be added the formidable length and intricacy of the present. The bill itself was a volume. It consisted of eighteen sections, many of which ran out to no less than ten pages; and it embraced numerous regulations of a novel character, and every one of which must be weighed with the most deliberate foresight. Many of these appeared to him dangerous and inexpedient. The fundamental principles of the measure were inconsistent with the safety of the creditor, and would open a wide door for concealment and fraud. Mr. Archibald then commented on several of the sections in order; and concluded by observing that he should be extremely sorry to witness so intricate a system of bankrupt law naturalized in this province. Mr. Marshall replied, and defended the bill on all the points which had been selected by the previous speaker for attack. He showed the partiality and hardship of the attachment law as it now stood, and the necessity of having it modified for the benefit of the subject. Most men admitted that necessity, and therefore one main object of his bill was agreeable to the general wish. If such was the fact, it ought to be supported; and gentlemen, in place of rejecting it as a whole, should apply themselves to alter and correct it, if such was thought necessary, till it met the approbation of the

house. It was absurd to object to a measure merely because it was long, for it was impossible to legislate on subjects of intricacy in short clauses. The necessity of providing for all possible cases—of directing the method of procedure, and of expressing the law with a proper fullness, led to a multiplication of sections and words which lawyers knew to be indispensable. Our own militia act was an example in point; and it would be well if the scattered enactments of our provincial law on other subjects were collected into one, when their length might appear no less extraordinary, and would astonish the honorable gentleman, who was now so easily startled.—Mr. Archibald followed, and noticed, with much humor, most of the remarks which had fallen from Mr. Marshall, and after a few observations from Mr. Grassie on the propriety of modifying the attachment law, the house divided on Mr. Dewolf's motion, which was lost by a majority of two. On tuesday, 4 March, this bill was discussed in committee of the whole. Haliburton, Smith, Blair, Young, and others, opposed its passing; and on a division, its consideration was deferred to that day three months, 19 to 7. The minority were, Marshall, Grassie, Albro, Flemming, Church, Robertson and Bishop.

By the public account, the revenue of the past year was £45,749 2s. 4d.; funded debt and interest, £17,088 10s. 0d.; notes in circulation, £63,127 10s. 0d. Balance of indebtedness, £38,634 6s. 5d.

Sir James Kempt sent a message to the house by the deputy secretary, Mr. William Hill. In this he mentions that the magistrates and grand jury of Sydney, cape Breton, had petitioned him to have a resident judge of the Supreme court there, a presiding judge of the Inferior court of Common pleas, and a president of the sessions,—that there was little probability that any of the Supreme court judges could be induced to remove to the island, and that it might be deemed inexpedient to increase their number. He suggest the expediency of appointing a professional man to be first justice of the Common pleas and president of the sessions in each district of the island; and he recommends the house to grant a liberal and permanent salary for this judge, unless they could devise some



better system to meet the wants of the people of cape Breton. Wednesday, March 12. The whole of this day was occupied by a debate, in committee of supply, on the amount which ought to be voted for the support of a resident judge in the island of cape Breton. Mr. Archibald opened it by moving the following resolution: 'That it is the opinion of the committee a sum not exceeding £500 be granted annually to his excellency the lieut. governor, to enable him to provide for the administration of justice in the island of cape Breton, pursuant to his excellency's message to the house, and that it be recommended to the house to bring in a bill for that purpose.' It was supported by Mr. Uniacke, Mr. Morse and the speaker,—Mr. Haliburton and Mr. Grassie thought £400 a sufficient provision, and Mr. Lawson, Church, W. A. Chipman and O'Brien, were averse to any appropriation, conceiving it to be an unnecessary addition to the civil list. Finally, the sense of the committee was taken on the motion for £400, which not being agreed to, the sum of £500 was carried. The house having resumed, Mr. Lawson moved the report be not received, on which a division took place, when the motion was lost, 20 to 11. A committee was then appointed, consisting of messrs. Archibald, Uniacke and Blair, to prepare a bill agreeably to the original resolution. (An act passed, 4 G. 4, c. 36, authorizing the appointment of an attorney of five years standing to be chief justice of the Inferior court of Common pleas for the county of cape Breton, and president of the sessions there, with £400 a year as salary, and £100 additional in lieu of travel, fees, &c.) On the 14 March, (friday), the house proceeded to the consideration of the annual grant to the provincial agricultural society. Several members spoke on this occasion, and differed not so much in opinion as to the propriety or necessity of a grant, as on the amount of it. The more zealous friends of the institution contended that £1250 or £1000 were required to accomplish all the objects contemplated; others were of opinion that £800 or £1000 were as much as could be spared for this branch of the public service. Mr. Lawson moved the sum of £800, which was seconded by Mr. W. H. Roach, and lost. A motion was then made by the speaker for £1000,

and carried by a majority of one, such of the members as were favorable to a larger sum having voted against it. The debate was short, but ample testimony was borne by Mr. Archibald, Mr. Haliburton, Mr. Dewolf and others, to the advantage which the province at large had derived from the former grants. Two honorable gentlemen, however, seemed to differ with them in opinion. These were Mr. Church and W. H. Roach. March 17. £8000 was voted for roads and bridges; £100 bounty to Holland's paper mill, at Sackville. March 25. A message from his excellency the lieutenant governor recommended to the consideration of the house the necessity of making provision to enable the trustees of the Dalhousie college to relieve the building from debt, so as to carry into effect the object of the noble founder. March 26. The bill for maintaining the academy at Pictou was this day discussed very fully and with some heat. It went to withdraw the grammar school now established there, and which received £150 a year from the treasury; and to endow the academy with a permanent annual provision of £400 currency. Mr. Archibald defended the measure, and was seconded by Smith, Parker, and other members,—and it was opposed with much warmth by Haliburton, Ritchie, W. H. Roach and Blair. An amendment, moved by Mr. Haliburton and seconded by Mr. J. I. Chipman, to grant to the Windsor establishment the like sum of £400 annually, was then negatived; and the bill passed in the house, but was afterwards rejected by the council.

£800 was granted for the Wellington dyke aboiteau; £300 to the Pictou academy; £50 to the sheriff of cape Breton.

On 2 April, Sir James Kempt sent a message to the house, in which he said that he had stated, for H. M. information, the circumstances attendant on Mr. Kavanagh's election, and had received from the secretary of state his majesty's authority 'to admit Mr. Kavanagh to take his seat in the assembly on' 'his taking the state oaths, and to dispense with his making' 'the declaration against popery and transubstantiation.' Next day, thursday, 3 April, this message was considered, and Mr. Ritchie moved the following resolution: 'Resolved, That a

committee be appointed to wait upon his excellency the lieutenant governor, requesting that he will be pleased to lay before the house so much as he thinks proper of the despatch received by him from his majesty's principal secretary of state for the colonies, respecting the admitting Mr. Kavanagh to take his seat in the house of assembly, upon his taking the state oaths, and dispensing with the declaration against popery and transubstantiation ; and also, that his excellency the lieutenant governor will be pleased to direct the proper officer to lay before the house such extracts from his majesty's commission, and instructions to the governor general, as regards the calling of the general assembly of the province, and the oath and declaration which members of the assembly are required to make.' On this, Mr. Uniacke moved to amend it, by leaving out all except 'Resolved,' and inserting instead "That " "a commissioner may attend this house for the purpose of " "administering to Lawrence Kavanagh, esquire, the representative for the county of cape Breton, the oaths, agreeably " "to the message of the lieutenant governor." On this the house divided, 18 to 18. For the amendment : Flemming, Albrow, Lawson, Smith, Dickson, Poole, J. I. Chipman, Parker, Dewolf, Archibald, Uniacke, T. Dickson, Bingay, Haliburton, R. Dickson, Campbell, Freeman, McKinnon. Against the amendment : T. Roach, Bishop, Ruggles, Heckman, Morse, Church, Marshall, Wells, Wier, James, O'Brien, W. H. Roach, Ritchie, Young, Wm. A. Chipman, Dennison, Blair, Sargent. The house being thus equally divided, the speaker, Robie, gave his casting vote against the amendment. Mr. Uniacke then moved, as a further amendment, the following, which passed on a division 21 to 15 : ' His majesty having graciously been pleased to give his consent that Lawrence Kavanagh, esquire, elected to represent the county of cape Breton, a gentleman professing the Roman catholic religion, should be permitted to take a seat in the house without making the declaration against popery and transubstantiation : Resolved, that this house, grateful to his majesty for relieving the Roman catholic subjects from the disability they were heretofore under from sitting in the house, do admit the said Lawrence

Kavanagh to take his seat ; and will in future permit Roman catholics who may be duly elected, and shall be qualified to hold a seat in the house, to take such seat without making declaration against popery and transubstantiation ; and that a committee be appointed to wait upon his excellency the lieutenant governor, and communicate to him that determination of the house.' For it : messrs. Bishop, Flemming, Albro, T. Roach, Lawson, Smith, W. Dickson, Poole, J. I. Chipman, Parker, Dewolf, Archibald, Uniacke, T. Dickson, O'Brien, Bingay, Haliburton, R. Dickson, Campbell, Freeman and McKinnon. Against it : messrs. Ruggles, Heckman, Morse, Church, Marshall, Wells, James, W. H. Roach, Ritchie, Young, W. A. Chipman, Dennison, Blair, Sargent and Wier. (This resolution was suggested by Mr. Robie, the speaker, who supported it in an able argument.) Mr. Kavanagh took the state oaths and his seat on the same day, 3 April. On friday, the 4 April, the house agreed to lend £5000 to Dalhousie college, on security of the funds of the college in England, to be settled by a bill to be enacted, 23 voting for the loan and 11 against it. On tuesday, 8 April, the assembly was prorogued.

Much dissatisfaction was evinced in cape Breton at the re-union of the island to the government of Nova Scotia. In a communication appearing in a Halifax paper in February, 1823, the population of cape Breton is stated as between 12,000 and 16,000. In this it is suggested that the catholic candidate was not brought forward until the poll was removed from Sydney to Arichat, and obtained an advantage by surprise. It is also stated that the majority of electors in cape Breton were not catholics. The chief seat of discontent with the change was at Sydney, where the officials of the island government resided. The island, from its severance from Nova Scotia, had never enjoyed representative institutions ; and although the crown had pensioned the chief officers, the residents much resented the loss of authority,—and although the lieutenant governor, Kempt, and the assembly of Nova Scotia, did all that was in their power for the improvement of the country, yet subscriptions were made and an agent sent to London, to endeavor to rescind the union.



March 27th, major general George Stracey Smith, the lieutenant governor of New Brunswick, died at Frederickton. A dispute arose among the senior councillors as to the right of administering the government. The oldest counsellor, hon. George Leonard, declined the duty. The next in succession, Mr. Christopher Billop, not attending at the seat of government to be sworn in, the council authorized Ward Chipman, esq., the third member, to act. On this, messrs. Billop and Chipman issued counter proclamations, each claiming the right to govern.

April 27. George Grassie, esquire, member of assembly for Halifax, died, in his 60th year. 29th. His excellency appointed John George Marshall, esq., chief justice of the Common pleas for cape Breton. In the house of commons, March 25, Mr. Hume presented a petition from the inhabitants of the town of Sydney, against the re-union to Nova Scotia, signed by 250 persons. It was supported by messrs. Bernal and Bright, and opposed by Mr. Wilmot. The petition was ordered to be printed. At this time the fees exacted by British consuls in the United States on colonial vessels, was a subject of much complaint. The brig Wellington, of Halifax, had to pay 26 dollars on one voyage, having only left her register in the office.

On thursday, the 3 July, the earl of Dalhousie, governor general, arrived in the government brig Chebucto, captain Cunard, from Quebec, in eleven days. He landed late that night, with his *aides-de-camp*, capt. W. Hay, and lieutenant Maule and lieutenant colonel Durnford, R. E., and capt. Parker, A. D. Qr. master general. On Saturday he held a levee at government house, at 1, P. M. On tuesday, 8th, an address was presented to him by the sheriff, J. I. Chipman, from the magistrates and inhabitants of the town of Halifax, and at the same time they invited him to a public dinner, in which he acquiesced. Shortly after, the earl went with Sir James Kempt to visit Windsor, Horton and Cornwallis. On thursday, the 17th, he received an address from the people of King's county, and returned to Halifax on the 19th. On wednesday, the 23d, the public banquet was given at Mason hall. The hon. Rich'd. J.

Uniacke was in the chair, and speaker Robie vice president. Earl Dalhousie and his suite, Sir James Kempt and suite, rear admiral Fahie, the captains of the navy, field officers of army, and the staff of the garrison, were guests. The members of council, magistrates and others, were present. The band of the 81st, Sir James Kempt's regiment, played during the dinner. In the newspaper which describes the dinner there are forty toasts published, as given from the chair, with the names of the tunes played after each. Volunteer toasts were also given. The hon. judge Halliburton gave 'Agricola,' (John Young), which elicited a speech from the author. The healths of vice admiral Griffith Colpoys,—of hon. John Black, and hon. Andrew Belcher, were also given. The earl left at half-past twelve, but the president and company continued till a later, or, more exactly speaking, an earlier hour. On the next evening, thursday, the inhabitants gave a ball and supper, in honor of the governor general, at the Province house, at which he was present. The council chamber was used as a ball room, and the supper was laid out in the assembly room. The guests were more numerous than at the dinner, and "all the" "taste and fashion of the town were displayed on this occasion, and no expense was spared in rendering it a treat well" "worthy the acceptance of a peer of the realm." In the absence of the more serious events that form the tragedy of life, there is in the little details of banquets, festivals, processions and addresses of form, such as occur in our provincial life, something to diversify its calm monotony. In Nova Scotia there was a gain to the community in this, that on such occasions the army and navy were brought into friendly and social contact with the civilians. Prejudices of professional or national kinds were broken down,—the ties of kindly intercourse formed, and more enlarged and liberal ideas entertained. The lessons of courtesy and urbanity were imbibed by our young people who had access to government house, especially during the residence of Sir James Kempt, who came here fresh from the household of "the first gentleman in Europe," and in all respects set an example of refined and courteous hospitality. It was asserted, that of all the fetes ever got up in Halifax,

this ball to the earl was the most brilliant, in the beauty of decoration—the sumptuousness of entertainment, and the taste that reigned over all. The council room was illuminated with a profusion of lamps and chandeliers. (As gas had not then been introduced, wax was burnt on such occasions.) Sofas were placed all round the sides of the apartment, the elegant proportions and loftiness of the chamber being in reality its greatest ornament. A military band was stationed in an elevated orchestra, placed over the central doors. The earl opened the ball with admiral Fahie's lady, a young bride, who had just come on with her husband in H. M. S. Salisbury, from Bermuda. At midnight the supper began, Mr. Wallace presiding, and giving toasts, and the dances were renewed afterwards. On the 28th, earl Dalhousie, accompanied by Sir James Kempt, left town. Next day, tuesday, he was at Truro, where the people of Colchester presented an address. At the West river of Pictou he was met by a body of militia, and received an address at Pictou, signed by several thousands. The Pictonians also addressed Sir James Kempt at the same time. The earl, having embarked in H. M. S. Niemen, arrived at Quebec on 12 August.

While the governor in chief was at Halifax, Z. Wheeler and C. Simonds, esquires, came on from New Brunswick, having been deputed to call his attention, and that of the lieutenant governor of Nova Scotia, to the project of a canal from Chignecto to baie Verte, in the gulf of St. Lawrence. They had a conference on the subject with the two governors, who appeared impressed with the utility and importance of this work.

The death of Mr. Grassie having left a vacancy in the representation of Halifax, an election of one member for the township was notified by the sheriff, Mr. Chipman, to take place on 8 September, at the county court house. Two candidates offered—Charles R. Fairbanks, by a card of 6 August, and John Young, (Agricola), by one dated 8 August. The election was held on monday, tuesday and wednesday, 8, 9 and 10 September, when the poll being, Fairbanks, 311, Young, 229, the latter gentleman resigned the contest.

In September, his excellency appointed Mr. Marshall a

master in chancery. In October, an address was presented to the new judge, from Clement Hubert and other justices of the peace at Arichat, to which he made a suitable reply. The address was contained in the following letter :

*Arichat, C. B., October 17, 1823.*

SIR—

“ We, the undersigned magistrates of the Western District of Cape Breton, beg to express to you the sincere gratification we feel, in common with the whole neighborhood, at this your first judicial visit to Arichat.

“ Whatever difference of opinion may exist as to the effects of the late annexation of Cape Breton to Nova Scotia, none can be entertained for a moment relative to the discrimination evinced by his excellency the lieutenant governor in your appointment, or to the many advantages which the island will derive in having a gentleman of your professional talents and private worth to reside among us.

“ Called unexpectedly as we were to act under a new government, it was naturally to be foreseen that much difficulty and confusion would arise in introducing other forms and other laws to those we had been accustomed to, but from the reformation already effected in the present sessions, it is evident to us all that order and regularity will immediately succeed the recent chaos, and that under your guidance our local courts will ere long be distinguished throughout the province for their efficient and impartial administration of justice.

“ We have the honor to be, with much truth, &c.,

*(Signatures.)*

“ To John G. Marshall, Esq., Chief

Justice of the Inferior Court of Common Pleas.”



## APPENDIX TO CHAPTER XXXVII.

( 1. )

[For the Acadian Recorder.]

Messrs. Holland &amp; Co. Gentlemen.

I am fully convinced that Nova Scotia would be found possessed of as great a proportion of Natural curiosities as any part of the continent of America, were it adequately explored : but few even of what have been discovered, have we on record ; and even to our inhabitants I have no doubt but that "the half has " "not been told." It is no less true than singular, that we often receive the first information of such curiosities as *have been* discovered in this province, from strangers—or in other countries. It was at all events the case with myself, in relation to the "ROCKING STONE," whose existence I first heard of from a gentleman in the United States, who had inspected it with much admiration and astonishment.

A few days since, accompanied by a friend, I resolved to be personally satisfied of the existence and bulk of this "wonder of nature." We rode to Spryfield, (the distance to which is probably six miles), and there left our gig. Following a foot path which led past the side of a small lake, we struck into the woods ; and after walking about three quarters of a mile, and pursuing the directions we had received, we came to the spot. Its most interesting appearance is at first perceiving it.

It stands upon a flat stone, the surface of which is level with the ground. The rocking is effected by the aid of a short lever, and may be set in motion by a child of twelve years of age. Although it is very difficult to attain the summit, yet we succeeded, and felt very sensibly the rocking as we walked to and fro upon it. We examined it very minutely, and discovered this vast body to move upon a pivot in the centre, of about 12 inches by 6, and a slight rest at the North end. The quality of the Rock is granite, but apparently somewhat porous. After rocking and inspecting this wonderful stone some time, we proceeded to measure its size, which we found to be as follows :—20 feet in length—14 feet in breadth—9 feet thick, and the circumference 74 feet. Its motion is from E.N.E. to W.S.W. The place where the Rock is situated is rather pleasant, being a plain, with the ground a little undulary ; and from its summit is presented to your view a beautiful lake, at one side stretching serpentinely through the bushes. It is worthy of remark that comparatively few stones appear in the neighborhood of the rocking stone, and these quite small : so that no one can suppose it could by any accident have become disengaged from any large body of rock. It is truly astonishing, and clearly evidences the skill and power of an Almighty hand ! I broke off a piece for the purpose of ascertaining its weight, by which to form some idea of the number of tons contained in this rock. The following is a crude statement of the result :—Its length being  $3\frac{1}{2}$  inches—its breadth  $2\frac{1}{4}$  inches—its thickness  $2\frac{1}{4}$  inches, made 18 solid inches, and it weighed  $1\frac{1}{2}$  lbs. The rocking stone containing 2520 solid feet, makes its weight to be 162 tons.

I have presumed thus far to intrude upon your attention, feeling confident that a minute description of this rock would not be uninteresting to some of your readers.

I am, gentlemen, yours, &amp;c..

L. S.

Halifax, August 29, 1823.

The above letter, I have understood, was from the pen of John Leander Starr, a schoolfellow, friend and townsman of mine, who was afterwards a member of the Legislative Council, &c. As to the Rocking Stone, I have heard that the earl of Dundonald, when stationed here as admiral, caused it to be removed from its position, and again replaced it. Some European antiquaries have considered rocking stones as works of human ingenuity, supposing they were poised by the Druids. We, on this continent, cannot adopt such a theory. The removal and transport of great masses by icebergs in the glacial periods, seem to give the only rational solution to the problem.

## (2.)

Imports into the port of Halifax from the 5 January, 1819, to the 5 January, 1823 :—

From Great Britain, &c.,	£1,266,399	9	10
Southern ports of Europe,	39,063	4	0
West Indies,	348,175	1	4
United States,	618,256	19	4
Coastways,	163,199	18	10
	<hr/>		
	£2,435,090	13	4

Exports, (same period) :—

To United Kingdom,	£128,658	4	8
Southern ports of Europe,	10,292	11	0
West Indies,	621,494	16	0
United States,	95,801	2	6
	<hr/>		
	£856,246	14	2

## (3.)

1823. Died, at Lunenburg, 16 April, Francis Rudolf, esq., in his 63d year, custos of that county, and many years member of assembly.

Died, at Dartmouth, 7 May, Jonathan Tremain, esq., aged 81 years.

Died, at Annapolis Royal, 30 May, Robert Dupont, esq., aged 83,—was an ensign in the 40th regiment in 1755, and above 50 years in different government services.

Died, at Montreal, 15 July, George Henry Monk, late a judge of the Supreme Court of Nova Scotia, aged 75.

Died, at Windsor, 12 August, Nathaniel Ray Thomas, esq., aged 68, custos of Hants and collector at Windsor.

Died, at Aberdeen, 4 September, hon. John Black, aged 58.

Died, Lieutenant Edmund Stevenson, of H. M. S. Hyperion, on the Jamaica station, aged 23. He was born in Halifax, and educated at the grammar school there.

## (4.)

## MEMBERS OF COUNCIL, 1823.

Blowers, president ; Bishop Stanser, messrs. Wallace, Hill, Uniacke, Morris, Jeffery, Stewart, Black, Halliburton, Binney, Collins.—Secretary, R. D. George, esquire.

## CHAPTER XXXVIII.

1824. At this time great discord had sprung up between lord Dalhousie and the assembly of Lower Canada. The governors of Prince Edward island and of Bermuda had also contrived to get into an attitude of hostility with the local assemblies. Nova Scotia was exempted from such difficulties.

The assembly met thursday, 8 January, (12th general assembly, 4th session.) In his opening speech, Sir James Kempt tells the assembly that he considers ‘the affairs of the province to be in a state of steady and progressive prosperity ;’ ‘not occasioned by any adventitious, accidental cause, or temporary excitement ; but arising solely (under the blessing of Divine Providence) from the many natural and local advantages which we possess, and a judicious application of our own means and resources, living under a paternal government, and the protection of a powerful empire.’ He says ‘it was expected that many beneficial effects would result from a general diffusion of agricultural knowledge and improvements, throughout the country, by means of the Institutions formed for that purpose ; but the expectations which even the most sanguine entertained promise to be completely realized. Habits of active industry and systematic frugality are taking deep root, I have reason to believe, among the farming classes of the community ; and I think the day is not far distant when bread corn will be raised within the province, sufficient to supply the wants of its population. Trade is increasing, and beginning to embrace new sources of commercial employment. Our fisheries’

'have been carried on with increased activity during the past' 'year. In every branch of our industry there is a visible' 'improvement.' He says the revenue had exceeded the amount anticipated, and 'considerable sums of money have' 'been paid into the treasury by the collector of his majesty's' 'customs, (duties arising under acts of the Imperial parliament to extend and regulate the colonial trade.)' Mr. Charles R. Fairbanks, member for Halifax, was sworn in. On the 15th February, Mr. W. H. Roach brought in an act to prevent in the future the issuing of writs of attachment. It came before the committee of the whole house for debate, on 17th. Messrs. W. H. Roach, Uniacke and Church, in favor of the bill, contended: That the present law was found pernicious and unjust in its operation; that it existed neither in England nor in any other of the British colonies, and might therefore be regarded as a dangerous anomaly; that although Massachusetts, from which we originally derived it, still retained it in use, yet no man could shut his eyes to the evil consequences which it often produced; that the merciful and humane creditor lost his debt, while he who showed no mercy and proceeded first to extremities, was secured; that it held out a reward in this way to hard-heartedness and excessive vigilance in creditors, and increased the hazard of a wise and generous forbearance, which might otherwise be shewn to unfortunate debtors, and that the present act might be so modified as to extend only to transactions which took place subsequent to its being passed, and thus every objection of unfairness and precipitation be removed. The hon. the Speaker, Mr. Archibald, Mr. Haliburton, and others, argued against the bill; that it was defended chiefly on grounds of humanity, but the house should look in the first place to the claims of justice; that we required a writ of a peculiar kind in this province, by which goods might be attached on mesne process, because otherwise a debtor might cause his property to be collected, and remove with it to the States before a judgment could possibly be obtained or himself taken by *capias*, and thus defraud and bid defiance to its creditors; that were the security, which the law as it now stood afforded, to be withdrawn, all confidence



between debtor and creditor would be weakened, if not destroyed, and the most alarming consequences might be apprehended ; that admitting the law in force to be an evil, the remedy would be a more serious injury, and that the real grievance consisted in the practice of giving long credits, which the consumer in any country ought not to be allowed. The committee then divided upon passing the first, and, in fact, the only clause in the bill, which was negatived. The house resumed, and upon the report being brought up, Mr. Wells moved it be not received, upon which a division was called for, when the numbers were for receiving the report, 13 members : messrs. Lawson, Young, Haliburton, Smith, Archibald, Wier, Fairbanks, Dewolf, Poole, Ritchie, W. Dickson, Robertson and Dennison. Against receiving the report, 11 members : messrs. Albro, Heckman, Wells, Bishop, W. A. Chipman, Church, James, Uniacke, W. A. Roach, O'Brien and Campbell. Tuesday, Jan'y. 20. The house were engaged in discussing another bill, brought in by Mr. Haliburton, for restraining the issuing of writs of attachment. Its operation was confined to debts contracted after the passing of the act, and its duration limited to 5 years. It was agreed to without amendment. Jan'y. 29th. Mr. Church presented the petition of J. Whitman, G. Cook, P. Manson, and a number of freeholders of the county of Sydney, praying the house to take into consideration the unprecedented state of the county of Sydney, in consequence of the absence of J. G. Marshall, esq. who was appointed to the bench of Cape Breton, when it was moved and carried, that a letter received by the hon. Speaker from Mr. Marshall on the subject, be referred to the committee of privileges. Friday, Jan'y. 30. Mr. Blair brought forward two resolutions, and stated his design to be a change in the constitution of Inferior courts throughout the province, by having professional men appointed to preside in them. He contended that such change had become indispensable to the due administration of justice—that the decisions of those courts as now formed were regulated by no fixed principles—that the judges meant well, but were ignorant of the laws, and that the dissatisfaction they very frequently gave was visible

in numerous appeals to the Supreme court, attended with heavy costs. The resolutions were : 'That it is the opinion of this committee the Judicature of this province, as respects the constitution of the Inferior court of Common pleas, requires consideration and amendment.' 'That it be recommended to the house to appoint a committee to confer with his majesty's council on the best means of meliorating the constitution of the Inferior courts and the General sessions of the peace.' Messrs. Lawson, Young, Church, W. H. Roach and Ritchie opposed the resolutions, and argued,—That the gentlemen who now presided in the Inferior courts were perfectly competent to their duty ; that their decisions were founded on principles of justice and common sense ; that such decisions were more acceptable to the people and more agreeable to equity, than if too nice an observance were paid to legal terms and distinctions ; that no complaints on the subject had been heard from the people either by petition or otherwise, and that although such a change as was now proposed might be expedient at some future day, the country was too young for such expensive and material innovations. Messrs. Dewolf, Archibald, Uniacke and Haliburton were in favor of the resolutions. They were, however, laid on the table for further consideration. 9 February, a resolution was passed, 'that the judicature of' 'this province requires consideration and amendment,' 18 to 16. 17th. On motion of Mr. Archibald, a committee was appointed to enquire into the judicature of the province, and to confer with a committee of H. M. council on the subject, 17 to 13. Archibald, Fraser, Blair, Fairbanks and T. Roach, were the committee. 19 February, the committee brought in a joint report. This recommended the appointment of lawyers to preside in the inferior courts. 21 February, Mr. Archibald moved that the report of the committee appointed to hold a conference with a committee of his majesty's council on the judicature of the province, be reviewed by the house. This motion was warmly opposed by Mr. Lawson, Mr. Ritchie, Mr. W. A. Chipman, Mr. W. H. Roach, Mr. Church and Mr. Young, who contended that the object of the report was no other than to introduce a bill to make provision for lawyers ; that the

judges of the Supreme court could discharge all the duties which were to be performed by the new judges of the Inferior courts ; that the proposed bill would forever burden the people of Nova Scotia with a tax, unnecessary, oppressive, and against their inclination ; that the appointment of a district judge for cape Breton was only the first commencement of a system, now followed up by a new attempt ; that supposing our Inferior courts to demand correction, it ought first to be ascertained whether the people at large were desirous of the change, and willing to pay for it ; and that the measure ought not to be pressed during the present session. Mr. Archibald, Mr. Haliburton, and others, argued that as the committee had been appointed by the house, it was but a matter of right that the report should be received ; that no objections ought to be made to it, as it stated that no steps should be taken till the opinion of his excellency the governor was ascertained ; that the country felt sufficient confidence in their representatives to warrant the measure they might then think it expedient to adopt ; that there was an imperious necessity for procuring professional gentlemen to preside at the Inferior courts ; that the law could not otherwise be administered on equal and settled principles ; that the new system would not take so large a sum as was by some anticipated ; and that the sum would form no comparison to the advantages likely to result from its application. Mr. Blair remarked, that he felt anxious to learn the opinion of his excellency the governor on the measure before he went home ; but many reasons, which did not at first occur, presented themselves to his mind, and induced him to think that it had better be postponed till next session. The question for receiving the report was then put. In favour of receiving it : messrs. Robertson, Freeman, Fairbanks, T. Roach, Morse, W. Dickson, Smith, J. I. Chipman, Uniacke, Archibald, Haliburton, Fraser, McKinnon, Dewolf, R. Dickson and T. Dickson, 16. Against receiving it : messrs. Blair, Wells, Bishop, W. A. Chipman, Albro, W. H. Roach, Poole, James, Heckman, Ritchie, Dennison, Church, Ruggles, Young, Flemming, Campbell and Lawson, 17. The question was therefore lost by a majority of one. Monday, 23 Feb'y. The

joint report of the committce on the judicature was referred again to the committce. They reported on the same day, that they had carefully reconsidered the subject—had a conference with the committee of H. M. council, and, as the result of their joint opinion, reported that the province be divided into districts, and that in each district a professional man be made first justice of the Common pleas and chairman of sessions. 24 Feb'y. Mr. Archibald moved the adoption of this amended report. The motion prevailed, 18 voting for it and 15 against it. For the motion : Blair, R. Dickson, Dewolf, Haliburton, Freeman, J. I. Chipman, Fairbanks, W. Dickson, Archibald, Uniacke, Morse, Robertson, Campbell, McKinnon, Wier, Fraser, Ritchie, T. Dickson. Against it : James, Poole, W. A. Chipman, Wells, Albro, Lawson, Bishop, Dennison, W. H. Roach, Church, Smith, Young, Flemming, Heckman, Ruggles. A committee was then appointed to wait on his excellency with a copy of the joint report. Sir James Kempt expressed his willingness to aid any measure to improve the administration of justice which the two houses might agree upon, and stated that this plan had proved advantageous in cape Breton. 25 February. A bill to make further provision for the equal administration of justice in the province of Nova Scotia, was introduced by Mr. Blair. 26th. This bill was read a second time, and on motion of W. H. Roach to postpone it for three months, the motion was lost, 20 to 15, after the day being chiefly occupied by a long, eager and vehement debate. The original report, which was rejected by a majority of one, had been modified before it was received as above stated ; and in place of the associate judges of the Supreme court being intended to preside in the Western division, a new judge was now contemplated for that as well as the other two divisions, making three in all. On division, there appeared for postponing the bill : messrs. W. H. Roach, Bishop, Albro, W. A. Chipman, Wells, James, Dennison, T. Roach, Lawson, Poole, Church, Heckman, O'Brien, Flemming, Young, 15. Against postponing the bill : messrs. Archibald, Robertson, Freeman, R. Dickson, Uniacke, W. Dickson, Morse, T. Dickson, Haliburton, J. I. Chipman, Ruggles, Blair, Smith, Wier, Campbell,



Dewolf, McKinnon, Fraser, Ritchie and Fairbanks, 20. On monday, 1 March, the first clause of the *Judge bill* passed in committee. On thursday, 4 March, the bill passed through the committee of the whole house, and Mr. Young moved it should not be received. 17 voted for his motion and 18 against it. Mr. Lawson then moved a resolution against the passage of this bill, stating that it had not been recommended by the lieutenant governor, nor had any petitions been sent in against the courts of Common pleas, or any evidence been adduced of injustice in those courts; that the measure was unnecessary, and could answer no other purpose than "to" "create a support and maintenance for three individuals at" "a heavy expense to the province." On this resolution 17 voted for it and 18 against it. 5 March. On the 3rd reading of the bill, Mr. Fairbanks moved, as a rider to the bill, that the judges should act as assistant judges of the Supreme court, &c., which was lost, 9 to 26; and upon the question for the final passing of the bill, a division was loudly called for, when there appeared in favor of the passing of it: messrs. Archibald, Haliburton, Ritchie, J. I. Chipman, Morse, Uniacke, T. Dickson, Fraser, Blair, Robertson, Freeman, R. Dickson, Smith, Dewolf, McKinnon, Ruggles, W. Dickson and Campbell, 18. Against the passing of the bill: messrs. Fairbanks, Church, W. H. Roach, Wells, Albrow, James, Poole, Heckman, Bishop, W. A. Chipman, Lawson, Young, Flemming, O'Brien, T. Roach, Wier and Dennison, 17. On saturday, 6 March, the council sent a message by Mr. Hill, that they had agreed to this bill.—In the meantime, while this measure was in its different stages in the house, an anonymous pen attacked it as an unnecessary expense—a heavy addition to the permanent expenditure of the country, and as a pretext for giving offices, nearly amounting to sinecures, to certain lawyers, and to increase the law patronage of the administration, and with it its influence over the legislature. The professional lawyers in the house who supported it were taxed with an *esprit de corps* which disqualified them from acting as legislators. The gentlemen who were afterwards appointed to the new offices were particularly accused for having acted on selfish principles, as

it was decided, in fact, by their votes, the house being so equally divided, and heavy imputations were cast on all who had in any way forwarded the passing of the bill. Great excitement was created among the people, particularly in the capital, when the gallery of the house was thronged by most anxious spectators of the scene. It would seem as if it were a great and trying conflict between the genius of profusion and that of economy and the temper of the public, led them to view it in that way. Mr. Church, who possessed much native acuteness and strong faculties for earnest debate, tho' unpolished by refinement, and who had, in the last session, opposed the establishment of the cape Breton judge, and, adverting to the probability of future additions to the civil list, compared the bill of 1823 to an entering wedge, now appeared to be roused to unusual eloquence by the bill in question. The energy he displayed in attacking this measure on the ground of extravagance, produced some audible tokens of applause from the gallery, which was immediately closed for that day at the instance of the other party. On the 4 March, a public meeting was called in Halifax, which was numerous and respectably attended, and the following resolutions passed without dissent :

‘ Resolved, That this meeting view with surprise and alarm a bill that is at present before the legislature, which has for its object to alter the constitution of the Inferior courts in this province ; and which, by the introduction of three new judges, will entail a heavy expense on its inhabitants.

‘ Resolved, That the measure in question, while it severely affects the people of Nova Scotia, appears to be uncalled for by any petition or application to the legislature ; nor does it seem that any undue administration of justice in those Inferior courts requires a remedy such as has been proposed.

‘ Resolved, That it being the sense of this meeting, that as the alteration in the judicature of the country, which is at present contemplated, is contrary to the wishes and interests of a large proportion of his majesty's dutiful and loyal subjects in this province, who have not had an opportunity afforded them of expressing their opinions upon the subject—a com-

mittee be appointed to draw up an address to his majesty's council, begging them not to concur, during the present session of the legislature, in a bill, so altering the judicature of the country.

‘Resolved, That an humble address be presented to his excellency the lieutenant governor, praying his excellency to suspend giving his assent to any law of the nature here alluded to, until the next session of the general assembly ; when the sentiments and wishes of the inhabitants of the province generally may be more fully ascertained.’

In conformity to these resolutions, a petition was forthwith presented to the Upper house, signed by 200 persons, praying them to defer the bill to the next session ; and another memorial to the same effect, of which we annex a copy, was presented to his excellency the lieutenant governor, by William Lawson, John Albrow, Richard Tremain, Samuel Cunard, John Starr and Joseph Allison, esquires :

*To his Excellency Sir James Kempt, &c.*

The MEMORIAL of the undersigned freeholders and other inhabitants of the town of Halifax,

Humbly sheweth :

That your memorialists have witnessed, with much surprise and alarm, the progress of a bill which has passed the hon. the house of assembly, altering the constitution of the Inferior courts of Common pleas throughout the province, by appointing three additional judges (of the legal profession) to preside over the same.

Your memorialists are aware that the due administration of justice is an object of the highest importance, and that every measure, which has in view its equal and impartial distribution, is worthy the attention of an enlightened legislature. But they also presume your excellency is satisfied, that laws which are enacted to attain that end, must, in some measure, be conformable to the habits and necessities of the inhabitants of the country upon which they are intended to operate.

The bill before the legislature is not only of importance, as relates to the great expence that will be entailed on the pro-

vince ; but so far as your memorialists have been able to obtain information, is decidedly at variance with the wishes of a large majority of its inhabitants.

Your memorialists further beg leave to state to your excellency, that a bill of such magnitude in its results, and tending to effect so material an alteration in the judicature of the province, has been supported in its progress through the house of assembly by a majority of only one member, thereby shewing that even that body are almost equally divided on the expediency of the contemplated alteration.

Your excellency must have noticed with pleasure, during your administration of the government of this province, that its inhabitants are orderly and obedient to authority, and usually submit with cheerfulness to such laws as are enacted.

From this circumstance, your excellency will probably perceive that a law must bear with excessive severity which could induce the inhabitants of this town to solicit the interference of your excellency to prevent its going into effect.

Your memorialists, therefore, humbly pray that your excellency will take the premises into your serious consideration, and be pleased to suspend your assent to an Act for making further provision for the administration of justice throughout the province, until it can be ascertained by your excellency what are the sentiments and wants of the inhabitants generally, and whether such abuses do exist in the Inferior courts as to render necessary the law now in contemplation : And as in duty bound your memorialists will ever pray.

The above was signed by about 330 individuals, many of whom are of the highest respectability.

In reply to which, his excellency was pleased to say, that so important a measure should receive his most serious consideration. The bill, however, was passed, and became a law.

On the 23 January, a letter from Mr. Marshall was read, requesting the house to accept his resignation of his seat as member for the county of Sydney, as his duties in cape Breton would prevent his attendance in the assembly. The public:



accounts exhibited a revenue for 1823 of £52,676 8s. 7½d.; funded debt and interest, £17,138 os. od.; notes in circulation, £63,127 10s. od. Balance of indebtedness, £31,060 14s. 1½d. 6 Feb'y. £12,000 was appropriated for the service of roads and bridges. 10 Feb'y. The house voted £500 for a survey of the Shubenacadie canal. 20 Feb'y. The committee of privileges reported in favor of accepting Mr. Marshall's resignation, referring to a case of Mr. Tupper, in 1764, who was allowed to resign on account of ill health. 28 Feb'y. On the expected departure of the lieutenant governor for Great Britain, the committees of house and council agreed to address him. The house adopted this resolution, and further voted a sword or piece of plate, of 500 guineas value, as a compliment to Sir James. 1 March. His excellency thanked them, but declined the present. 2 March. £200 was voted for a field officer of militia for cape Breton. 6 March. £500 for inspecting field officers. 8 March. £837 13s. 10d. for communication by post. 9 March. £1557 10s. od. for bounties on agriculture. 10 March. £2000 for salt bounties.

His majesty's council, by message, requested a conference by committee on the resolution of the house for granting £400 to the trustees of the Pictou academy. 20 Feby. Mr. Archibald, chairman of the committee appointed to hold the conference, made the following report :—“ That his majesty's council, while the resolution of the house relative to the Pictou academy was before them, were desirous of expressing their opinion, through the committee of conference to the house, on the subject of education generally, this being the only mode in which they could communicate their opinion; and, in the first place, his majesty's council wish the house to understand, that they are earnestly disposed to encourage education throughout the province, without confining its advantages to any sect or denomination whatever, and that they are particularly desirous the provision for education should be established upon some permanent foundation, which would be agreeable to all parties. That his majesty's council, in not agreeing to the bill which passed the house to make permanent the support of the Pictou academy, were not influenced by any motives hostile to that

Institution, where so much had been done by individuals in the cause of education—but that their attention was directed to the situation of the country, both as respected the common schools, which would expire next year, and also as to the want of that general system of education which was so desirable, and which his majesty's council fully hoped, in another year, might be permanently established. That nothing was more unpleasant to his majesty's council than the want of agreement of the two branches of the legislature on this important subject; and they trusted that every member of the assembly, in another session, would come with his mind prepared at an early period to take up this subject, in which his majesty's council would most heartily join. His majesty's council also called to the attention of the house, through the committee, the situation of the Acadian and National schools, which were now nearly brought to ruin; and as all our means were temporary respecting education, for the present year, they trusted the house would duly consider those schools, and also the school of Industry in the Acadian institution; and they concluded by assuring the house, through the committee, that the house will find his majesty's council ready in another session to give this important subject their warm support." His majesty's council agreed to the resolution of the house, granting £400 to the Pictou academy. On the 9 March, a joint address from council and assembly, in compliment to the lieutenant governor, was presented. On thursday, 11 March, the assembly was prorogued. On the day following, a petition from Hants county, numerously signed, against the Judicature bill, was presented to his excellency by messrs. Wm. O'Brien and Daniel Wier.

Among the acts of this session was one to incorporate a company for making the Shubenacadie canal,—an act abolishing writs of attachment, and the act respecting the judicature; by this the province (exclusive of cape Breton and Halifax) was divided into three districts. The Eastern district comprehended the county of Sydney, the districts of Pictou and Colchester, and the county of Cumberland. The middle district embraced the counties of Hants, Kings, Lunenburg and

Queens. The Western division consisted of the counties of Annapolis and Shelburne. The first justice of each of these three divisions was to be an attorney of ten years standing. He was to preside in the Inferior court of Common pleas in every county of his section, and in the Quarter sessions. He was to receive £400 salary, annually, and travel fees of 20s. a day, but not to exceed £50 in one year. He was rendered incapable of sitting in the house of assembly, and forbidden to vote or interfere in elections, and prohibited from practising as an attorney, and from holding any other office under government. The act forbade the governor filling up the place of the associate judge of the Supreme court, if vacant, and directed each of the three new judges to reside in the district for which he was appointed. [On 11 March, a resolution passed, that if this bill passed, a writ should be asked for to elect a member in place of Mr. Marshall, for Sydney county, and also for any vacancies consequent on appointments under the act.) The prudence of opening a canal to Shubenacadie was much discussed in this session. Objections were made to the heavy expense probable, and other difficulties to be overcome. The tide in the river rose, it was said, no higher than Black rock, and from that to town some mechanical force would be required. Horses to draw the boats could not be used on the lakes — oars would not prove sufficient in power — steam would destroy the banks of the canal, &c., and it was by many thought a wild and expensive project. The probability of any trade or transit of goods of importance on this line was keenly disputed. The speaker, Robie, said it would cost £200,000 or £300,000, and not produce revenue enough to keep it in repair.

In 1803, a bridge was built across the Annapolis river, 15 miles above Annapolis, at the head of sloop navigation. But a few vessels came up thus far, but as industry progressed, in 1822 upwards of 60 vessels were loaded at the bridge, and in 1823 above 100 cargoes of lumber and produce were shipped thence in vessels varying from 30 to 100 tons burthen. At this time eight dwelling houses had been erected within 1822 and 1823; and on the 15 January, 1824, a public dinner was



provided, at which the name of Bridgetown was proposed and agreed to. The evening was convivially spent, and many loyal toasts given. I visited Annapolis in 1822, and, as far as I can recollect, there was not more than a house or two within sight of the bridge. I returned there in the summer of 1824, and found quite a town had sprung up in the interim. It was to the enterprise of Mr. Crosskill, I have understood, that we were indebted for the founding of this town. Situated in so rich and lovely a portion of Nova Scotia, and having water communication with the basin, the bay of Fundy, New Brunswick, &c., it is an admirable position for manufacturing and commercial exertion.

It is stated, that in March, 1100 persons were receiving temporary relief in Halifax from the Poor man's friend society. This was more than a tenth of the population, and shews a deplorable condition of the laboring classes. £50 was given by the amateur theatre to this charity, March, 1824.

The necessity and expediency of the bill for appointing the three judges of Common pleas, were much contested; and the fact that the law passed the assembly by a majority of one only, was much commented on in the press. On the 17 March the lieutenant governor appointed Jared Ingersoll Chipman judge of the Eastern division — William Hersey Otis Haliburton, of the middle, and Thomas Ritchie, of the West division. The opponents of the measure dwelt on it as an unnecessary and permanent charge, of some £1500 a year on the revenue, and pointed to the measure being carried by the votes of the gentlemen who received the appointment, who were counted in the majority. Perhaps there had not been so much in the nature of political excitement aroused in the province since the days of Cottnam Tønge, as was excited by this measure. Richard J. Uniacke, junr., and William Fraser, were appointed king's counsel, (17 March.) Mr. Lot Church, who had earnestly opposed the Judge bill, was received at Windsor with great applause. and a public dinner given in his honor.

April 2. Simon Bradstreet Robie was appointed a member of H. M. council, and sworn into office.



8 April, at St. John, N. B., above 30 houses were consumed by fire.

30 April, at 2, P. M., his excellency Sir James Kempt embarked in H. M. S. Niemen, captain Sibley, for England, having previously received addresses of compliment from the inhabitants of Halifax and Windsor. He embarked in quite a private manner, and intended to return in the autumn. He arrived at Portsmouth 18 May. Meanwhile, the hon. Michael Wallace was sworn in as president on 1 May, and administered the government in his absence. The magistrates, the clergy, merchants, and many other inhabitants of the town, waited upon his honour the president, at his own house, as a mark of respect and of confidence felt by the community. 27 April, John James Sawyer was made sheriff of Halifax, in place of J. I. Chipman, now made a judge.

The friends and admirers of Mr. Young, (*Agricola*), regretting that they had not succeeded last year in their wish to give him a seat in the assembly, had subscribed to procure a handsome silver cup, which, on monday, 7 June, was presented to him at the Exchange coffee-house. The names of those who spoke, or moved and seconded resolutions, comprised John Brown, (chairman), John A. Barry, John Starr, William A. Black, John Williamson, and messrs. Forsyth & Fletcher. In accepting their gift, Mr. Young mentioned that immediately after the Halifax election he had been solicited to offer for the county of Sydney.

Difficulties had for some time arisen in the government of Prince Edward island, where Mr. Smith had got into quarrels with the assembly and the people. The collection of quit rents and abuses in the court of chancery, were among their grievances. Messrs. Campbell, Cambridge, McDonald, Stewart and others, had carried their complaints to England. Orders were sent out to stay the collection of quit rents, and Sir J. Kempt was directed to send some competent person to investigate the charges against the lieutenant governor, Smith, for allowing exorbitant costs to be enforced in chancery. Our judge, Brenton Halliburton, was selected to conduct this inquiry, and, on the 13 May, went from Pictou to the island. Thomas

Dickson, esq., accompanied him as secretary. Lieut. Dickson, of the 81st regiment, also was with them. It was understood that Mr. Smith was to leave, and lieut. colonel Ready to be lieutenant governor in the island. General Lumley, the governor of Bermuda, had also become involved in troubles with the inhabitants, having illegally and imprudently arrested Mr. Till, churchwarden, on some absurd pretence, concerning church affairs. This question ended by a suit in England, where Mr. Till recovered damages against the general. The details of the transactions in Prince Edward island and Bermuda would, of themselves, make a little volume, that would certainly be amusing, and not without a certain interest. In Canada there were at this time political dissensions, which had been growing and becoming embittered year after year under lord Dalhousie's administration. The party in favor with him called themselves the English party. They supported the influence of the legislative council, and aimed at diminishing that of the house of assembly. They desired a union with Upper Canada, in the expectation that the French of the lower province would then be a minority in the provincial parliament. In the conflict of opinions, the project of uniting all the British North American provinces was mooted in the newspapers of Montreal, and those who approved that plan referred to the history of the Seven United provinces of Holland, and that of the United States, as answer to objections as to the extent of territory, local disconnection, &c. The discords that occurred in the smaller governments about this period,—the inadequacy of their separate revenues to forward any great works of improvement—the undue preponderance obtained by cliques—by family compacts, and sometimes by individuals, locally strong, tended to the inquiry whether union and concentration of minds and of resources would not elevate and aggrandize these provinces. The experiment of the re-union of cape Breton to Nova Scotia was even then considered as successful, and it had much weight. The natives of the land were beginning to feel a pride in the natural riches and capabilities of their country, and they desired its progress, and yet feared that the early colonial system was no longer suited to

the advancement of their moral and material interests. In June, lord Dalhousie and his countess went to Scotland, in H. M. S. Athol. The lieutenant governor of Lower Canada, Sir F. N. Burton, assumed the command in his absence. Lieut. colonel John Ready was appointed lieutenant governor of Prince Edward island in May, of this year, in the room of Charles Douglas Smith, esquire, resigned. In June or July the discontents of some of the inhabitants of cape Breton at the re-union to Nova Scotia, were a second time brought before parliament. Mr. Hume presented a petition from colonists in cape Breton, complaining of having been taken from under the control and protection of the law ; that the colonists settled there under the promise that such laws should continue to protect them ; but that by an order of council they had been placed under the government and laws of Nova Scotia. They also complained that the documents which had been read to that house on a former occasion were not accurate. Thus, they complained, that they had been misrepresented. He contended for the necessity of enquiry, and lamented the petition had not reached him earlier in the session ; and, he added, if this proceeding on the part of government were allowed, there was no colony the constitution of which might not be arbitrarily altered by the crown. The case was most important. The colony would avail itself of the first opportunity to throw off its allegiance to Great Britain, if relief were denied ; and he should be glad of it ; under such circumstances, resistance became a virtue !!—Sir I. Coffin said, that the greatest blessing which had ever befallen cape Breton, was its annexation to Nova Scotia.—Mr. W. Horton complained of the conduct of the hon. member in presenting this petition with such language. If it were right to countenance rebellion and separation, it was the duty of the hon. member to bring forward this subject much sooner, for the petition and speech were duplicates of what were delivered last session. The former petition contained a tissue of falsehoods, and he had learned from a gentleman who had recently gone over the island, that there was no general feeling in favour of the sentiments of the petition. He did not believe that there was



the least ground for this petition.—Mr. Bernal supported the petition, and said that the case ought to be enquired into ; he hoped the hon. member would bring it forward early in the next session.—Sir I. Coffin had entertained a better opinion of the hon. member for Aberdeen, than to suppose that he would encourage rebellion in that house. He hoped that cape Breton would not set itself up against Great Britain ; if it did, with 1000 men and a ship of the line, he would knock them over in 24 hours.—Mr. Hume said, that notwithstanding what had been stated, if he did not establish his case regarding the island, if he had opportunity, he would undertake never to make another motion in that house. He had no objection to his words being taken down ; he had uttered the words advisedly. “ If he were in the house next session,” he certainly should not fail to bring the subject forward.—Petition ordered to be printed.

Elections were held at this time at Windsor, Guysborough, Shelburne and Annapolis, for the seats vacant by the appointment of the new judges. No lawyer was elected to any one of these vacant seats ; and, with one exception, no candidates from the bar offered. Mr. Young was chosen in the county of Sydney, in place of judge Marshall. At Shelburne, messrs. Barry and Crowell offered, and the latter obtained the seat before held by judge Chipman. 27 July, tuesday. H. M. S. Samarang, capt. Sir William Wiseman, bart., arrived at Halifax, from Portsmouth. In her were major general Sir Howard Douglas, baronet, lieutenant governor of New Brunswick, his lady, family and suite, as passengers. Next day, Sir Howard Douglas, accompanied by Sir William Wiseman, bart., left the Samarang, in rear admiral Fahie's barge, at 10½, A. M., and soon after landed at the kings wharf, where he was received under a salute of arms, from the grenadier company of the 74th regiment, welcomed on his landing by the staff and other officers of the garrison, and immediately proceeded to government house. On tuesday, 3 Aug., a review of the two Halifax battalions of militia, commanded respectively by lieut. colonels Jeffery and Deblois, and a brigade of militia artillery, under colonel Tremain, took place on the common. Mr. Wallace, the



president, and Sir H. Douglas, with a military suite of officers, were present ; and these corps, which had received four days' drill, received great praise from major general Douglas. Same day Mr. Young was entertained at a public dinner in Pictou, on his return from Guysborough.

The Halifax library was established this season.

An act of the Imperial parliament, 5 Geo. 4, ch. 88, passed 21 June, 1824, which gave permission to the hon. E. I. company, or any British subjects by the company's written license, to ship thence to the British American colonies, teas, or India goods.

25 August. Mr. George R. Young issued the prospectus of 'The Nova Scotian,' a weekly paper at Halifax.

The district of Gaspé was understood to be in a lawless state, and all justice in cases of crime suspended for over twenty years, through the want of efficiency or of power in the local magistrates. Capt. Houston Stewart then commanded H. M. S. Menai, and she was sent to the baie des Chaleurs, to enforce order. The Quarter sessions was held without disturbance, and the justices and grand jury at its close returned thanks to the captain for his kindness and attention to the inhabitants and the court. This gentleman afterwards commanded the navy on this station, as Sir H. Stewart.

A project was discussed this summer among some persons of influence and capital in England, to establish lines of steam packet ships for regular intercourse from Valentia, in Ireland, to New York, Canso, &c., with the prospect of carrying mails, passengers and goods. July 30. Brevet major Cochran was appointed at the war office inspecting field officer of militia in Nova Scotia, with rank of lieut. colonel in the army, (a son of the hon. Thomas Cochran, and afterwards general Cochran.)

The hon. Edward G. S. Stanley, John E. Denison and J. Stewart Wortley, members of parliament, travelled this season through these provinces and the United States. S. G. W. Archibald, esquire, was now appointed chief justice of Prince Edward island, with permission nevertheless to reside in Nova Scotia—practice at the bar there, and continue in the legislature ; and on the 15 November he left Halifax to assume his

duties in the island. On his reaching Truro, his native place, salutes from cannon and bonfires awaited him, and next morning he received an address from the people, congratulating him on his safe return from England, and expressing the pride they felt in his appointment as chief justice of Prince Edward island. On his return in December he was entertained in Pictou at a public dinner, given in his honor. The bishop, Stanser, resigned his office, and the reverend Dr. John Inglis, rector of St. Paul's, Halifax, was made bishop in his place. Mr. Willis, who had been a chaplain in the navy, and had then a parish in New Brunswick, was appointed, November 16, to succeed Dr. Inglis, as rector of Halifax.

27 Oct'r. Colonel Joseph Frederick Wallet DesBarres, late lieut. governor of Prince Edward island, and formerly of cape Breton, died at Poplar grove, in Halifax, aged 102 years. The corpse lay in state on the sunday following. I had the honor of attending the funeral of this eminent person. 31 Oct'r. the funeral procession left his late residence, at 3, P. M. His honor Mr. Wallace, the president,—most of the members of H. M. council,—the gentlemen of the bar,—the officers of the army and navy, and many of the inhabitants, attended, by invitation, as mourners. This procession was escorted by a detachment of the military, and the rear closed by a number of carriages. On arriving at St. George's church, in Brunswick street, where his remains were deposited, the funeral service was read by the rev'd. J. T. Twining, and at the conclusion three vollies were fired by the troops. Rain fell heavily, but the attendance was great, and the interest felt was remarkable. This amiable and valuable warrior was within one month of 103 years of age when he died. His scientific labors on our coasts, and his repute as one of the heroes of 1759, in the conquest of Quebec, under Wolfe, gave him a claim on the gratitude and reverence of all Novascotians.

Bridgetown, in Annapolis county, at this time, is represented as consisting of 50 or 60 houses.

## APPENDIX TO CHAPTER XXXVIII.

## (1.)

Died, November 23, 1823, William Cunard.

Died, 10 January, 1824, at Rawdon, Abraham Cunard, in his 70th year.

Died, 17 January, Edward McSwiney, at Dominica.

Died, 23 January, John Sargent, esq., in his 75th year, a New England loyalist, and member of assembly in Nova Scotia.

Died, July 20, at Preston, Theophilus Chamberlain, esq., in the 88th year of his age,—one of the oldest magistrates.

Died, December 4, William Winniett, esq., aged 57.

Married, 13 May, by the rev. W. C. King, lieut. colonel the hon. Charles Gore, brother to the earl of Arran, to Rachel, eldest daughter of the hon. James Fraser, deceased.

John Slayter, esq., died in November, 1824, in his 77th year. He had been nearly 50 years comptroller of the customs at Halifax.

Died, October 27, J. F. W. Desbarres, aged 102.

## (2.)

QUEBEC, May 11, 1824.

UNION.—A rumor has been in circulation for a few days past, that it was the intention of his majesty's ministers to submit to Parliament a Union of all the British Provinces in North America, and to place at their head a Royal Duke as Viceroy. This project, we suppose, is a substitute for the Union of the Legislatures of Upper and Lower Canada, which, notwithstanding all that had been said to the contrary, was not thought of being revived by ministers up to the end of March.

Mr. James Stuart arrived in London in the early part of March. We do not know what "untried schemes" may be pressed upon ministers from this side of the water. We do not know what a want of information may lead ministers to adopt. There is only one thing of which we are certain, viz., that no change of the existing Constitution of the Canadas can be made which will either answer the views of the promoters of those changes, or be satisfactory to the great majority of the people of both provinces.—*Neilson's Gazette*.

November 6, 1824.

It is now reported that another letter has been received from one of the gentlemen whose communication from England respecting the Union was lately before the public, and that according to this letter the Union between the Canadas is no more thought of, but a system of confederation between all the British Provinces in America is on the anvil. A confederation of this nature would have important consequences. It is probable the internal Governments would be considerably affected in the first instance by it; and that it would ultimately produce a change in the whole condition of America.—*Canadian Spectator*.

(3.)

*[Extract from Acadian Recorder of Saturday, Nov'r. 6, 1824.]*

## FUNERAL OF THE LATE COLONEL DESBARRES.

On Monday last, about 3 o'clock, P. M., the funeral procession left his late residence.

His Honor the President—most of the Members of His Majesty's Council—the gentlemen of the bar—the officers of the army and navy, and many other respectable inhabitants, attended as mourners by invitation. The procession was escorted by a detachment of military, and the rear was closed by a number of carriages. On arriving at St George's Church, where his remains were deposited, the funeral service was impressively read by the rev'd. J. T. Twining, at the conclusion of which, three volleys were discharged by the troops. Although the day was very rainy, we have seldom seen a greater attendance or more interest excited on such an occasion. Indeed every reflecting person must have found great cause for meditation in the departure of this venerable man from our fleeting and unsubstantial scene. We saw him on the day before the interment lying in state. His face was exposed to view, and it exhibited unequivocal marks of a mind originally cast in a strong and inflexible mould, while the hand of time appeared to have made but a slight impression on the features. The Chart, which he prepared from his own survey of this Province, will give his memory claims of gratitude upon the nautical world, and could only have been produced by a man of surprising perseverance.

We believe he was a native of Switzerland, and are informed that he held a captain's commission under the Great Wolfe at the reduction of Quebec. He was within one month of 103 years of age.

(4.)

I find I was led into an error in p. 430, as messrs. Heckman, Lent and Cutler, members of assembly in 1819, are still living.



## CHAPTER XXXIX.

1825. Sir James Kempt being still in Europe, the legislature met at Halifax on tuesday, 15 February, under the presidency of Mr. Michael Wallace, the treasurer. The chair of the house being vacant by Mr. Robie's acceptance of a seat in H. M. council, Mr. Archibald was unanimously elected as speaker, and approved of by the president. Mr. Wallace opened the session with a speech, in which he stated that fishery and commerce had made progress, and the year's revenue had exceeded that of the year previous;—that a system was required to promote the advancement of common schools. The replies of both houses were in harmony with the president's views. In that of the council, they say, "the thorough knowledge which your honor possesses of the public affairs of Nova Scotia, and the long experience which the country has had of your zeal to advance its interests, afford the firmest conviction to his majesty's council of your zealous co-operation in every measure calculated to promote the happiness and prosperity of his majesty's subjects; and they beg leave to assure your honor, that it will afford the highest gratification to them to assist in rendering your administration of the government as easy to yourself as they are convinced it will be beneficial to the province in general." Benjamin Dewolf was sworn in as member for the county of Hants, returned in place of W. H. O. Haliburton. Abraham Gesner, for Annapolis, in place of Thomas Ritchie, and John Young for county of Sydney, in place of John G. Marshall, esq., were sworn in. The house appointed the rev. J. T. Twining chaplain, instead of Dr. Inglis,

now lord bishop. 17th. Petitions were received against Mr. Young's return for Sydney county. 18th. Mr. Robertson, member for Annapolis county, being imprisoned for debt at the suit of several creditors, under executions, a resolution passed that he should be discharged, and attend his duty in the house. 21 Feb'y. A committee was formed, under the act 1 Geo. 4, to try the disputed seat for Sydney county. The speaker and the clerk of the house appeared this day, for the first time, in wigs and silk gowns, and a small table for the speaker's use, covered with red cloth, was placed in front of the chair, elevated a little above the writing table of the clerk. 23 Feb'y. A petition of the trustees of the Pictou academy prayed the abolition of tests—powers to be granted them, and permanent endowment. 1 March.. Lawrence Hartshorne, esquire, chosen as member for the county of Halifax, in place of the hon. S. B. Robie, who had been made a member of H. M. council, was sworn in. Saturday, March 8. Thomas Crowell, esquire, returned for the town of Shelburne, in place of J. I. Chipman, was sworn in. On the 7 March, a joint report of a committee of both houses, on the subject of schools, was read. In this it was stated that, leaving out the district of Halifax, from which returns had not been received, there were in the province 217 English schools, taught by as many masters,—that the average number of 5514 children were instructed in these schools, at an expense of between £8,680 and £11,000 annually ;—“ that children to the number of, certainly, 4377,” “ but probably beyond that extent, (the returns being incom-” “ plete in this report), do not attend any school, either from ” “ want of these establishments or the poverty of their parents.” They think 210 additional schools are necessary ; and, by estimate, the average price of schooling each child at 40s. per annum. They deplore the low salaries of teachers, and recommend that an assessment on the whole population, according to each man's ability, should be levied, to provide for common schools,—that the children should be taught free of all charge,—that £60 should be the *minimum* of a teacher's salary, and suggest many other regulations. The president, Mr. Wallace, sent the house a message, with a correspondence he had held

with Mr. Hall, civil engineer, on the subject of the proposed Shubenacadie canal.

By the accounts of the past year, there appeared to be a revenue of £56,068 18s. 1d. ; funded debt, £16,400 : notes in circulation, £61,627 10s. 0d. Balance against the province of £29,131 15s. 7d.

Mr. Lawson begged leave to present a resolution to the following effect—that a committee be appointed to wait upon his honor the president, to request, that the prothonotary be desired to give a correct account of the number of suits settled in the Inferior courts, for the last and the preceding year. He wished to see what business was actually done in these courts, so that they might judge whether an annual expence of £1350 was absolutely necessary. — Mr. J. R. Dewolf could see no advantage in such an enquiry, and would consequently oppose it.—Mr. Lawson explained. He was anxious to ascertain the number of suits in these courts for the last and preceding year, so that they might compare both, and judge what the effects of the famous judges bill had been. He had ever been opposed to the measure ; and members might say as they would, the bill had been forced down the throats of the people. He wished now to enter into this enquiry, to see whether the majority of last session were right in opinion ; and also to set the question at rest, whether the annual expenditure of £1350 was necessary. He had understood that in these courts literally nothing had been done during the past year ; and in the county of Annapolis in particular that only one or two suits had been decided. He would not say at the present moment whether or not he wished to displace the late appointed judges—but he wished to get the information, and he trusted that that house would support him in the motion.—Mr. Church was opposed to it, and could not see its utility.—Mr. W. Young objected to the inquiry, because it would be attended with no advantage, and would only lead to further expence.—Mr. Fraser thought that gentlemen ought to be cautious in sanctioning any measure which would create new demands upon the revenue. If the decisions and records of that court were to be examined by the different prothonotaries,

each would be making a charge of perhaps £60 or £70 ; and he could see no result to be derived from it but one—it would make the honorable mover acquainted with the profits of the situation, and he might perhaps make application for it ; but he could assure him, if such were his object, the information might be obtained in an easier and more economical way.—Mr. Lawson did not want the situation, but since the learned gentleman had introduced the subject, he would say that the double fees now exacted by the prothonotaries were a very great hardship, and he thought that before the house rose some measures ought to be taken relative to it. The enquiry could not cost much, for the returns ought to be in the office below ; and one good result at all events would spring from it—they would ascertain whether the prothonotaries did their duty or not.—The motion was then carried, 18 to 11.

Mr. Lawson said he was about to propose a resolution upon a subject of the very first importance—that a committee be appointed to examine into, and report on the reservation of mines and minerals in this province and cape Breton, with power to send for persons and papers.—Mr. Fraser asked what the object of the enquiry was.—Mr. Lawson was not so well able to explain his views as he could wish, but one great advantage which would result from the enquiry was to ascertain whether the right to the mines was vested in the crown or not. He was aware, for instance, that the coals of Sydney were subject to a very heavy duty, which operated as a direct tax upon the inhabitants of this town ; and he felt anxious to see it removed. He thought also something ought to be done relative to the iron ore, of which some notice had been lately taken in our papers.—Mr. Fairbanks was sensible that he was sent there to enquire into the rights and privileges of the people, and to use his best exertions in promoting their interests. Now, it was well known that this province was rich in mines—that copper, lead, iron, coal, all were to be found in great abundance. To the prejudice of the country, however, an idea had gone abroad that the right to these were vested in the crown ; and thus the disposition to embark capital to any extent in speculations of this kind had been checked and sub-



duced, which was a subject of sincere regret, since the prosperity of the mother country was mainly attributable to the vast manufactures she carried on, the rude materials of which were drawn from the soil. He was decidedly of opinion that that right had not the latitude which was generally supposed ; and he felt anxious that an enquiry should be instituted, so as to set the matter at rest. Far be it from his intention to take from the crown any rights which were truly vested in it—was this one of that kind ? If he were correctly informed, these provinces along with New England had been granted to private individuals during the reign of Charles 2nd, and in that charter the mines had been expressly gifted. At the time, however, of William and Mary, this original charter had been revoked in the court of king's bench, and a new one made out, in which the mines were certainly gifted without any reservation, and thus it continued till the unfortunate separation of the American colonies from the mother country. When the attempt again in 1749 was made to settle Nova Scotia, the proclamation then issued held out a promise of exactly the same rights as had been enjoyed in the older colonies. By this, then, the right seemed to have been waived, but it came within his own knowledge that grants had been here obtained where this reservation had not been stated. It would be well, then, that the enquiry should be gone into, for no other purpose than to ascertain what lands were held with, and what without this reservation, for if it were once discovered that in lands of the latter tenure, coal mines existed, they would soon be opened and worked—competition would operate with its usual effect, and their price would be reduced. It could hardly be believed that a waggon load of coals, which only weighed  $5\frac{1}{2}$  cwt. less than our chaldron, cost in Glasgow, laid down at the door, 10s. 6d. So great a difference between the prices there and here, was thus an enormous tax upon the inhabitants of the town, and surely furnished sufficient argument for an enquiry. It might turn out that this opinion about the reservation was an incorrect one ; but if not, then a representation might be made to his majesty, and there was no doubt, when he was once satisfied that it was intimately connected with the

prosperity of the province, it would receive his favourable consideration. He had understood, too, that it was in intention to grant the mines and minerals of the province to a company of gentlemen, on the condition of their paying a fifth part of their produce. Now, the information, gathered in the course of an investigation, might induce them to establish works here, and thus bring wealth and enterprise into the country. But he looked mainly to its effects upon the coal. It would tend to bring them into notice and to use; and the sooner this was done by the farmer, rather than cutting down the best wood of the forest for the purpose of fuel, so soon would the country be benefitted. It might also lead to a reduction of their price, and this was with him a strong reason for supporting the motion.—The motion was then carried, and a committee appointed, viz., messrs. Fairbanks, Lawson, Smith, Kavanagh and Ruggles.

9 March. £1200 was voted for roads and bridges. 10th. Mr. Wallace, by message, informed the house that the new piece of road from McAlpine's (at the Bason) to the exercising ground (the Kempt road) had already cost £681 13s. 10d., and that the garrison had assisted in making it. 22 March, (tuesday). The committee on the Sydney county election declared in their report that the conduct of the sheriff was such as to render Mr. Young's election void, and his seat to be vacated. 24th. It appeared that the attempt to raise money by a second lottery to go on with building the Avon bridge, had proved fruitless. A committee reported in favour of a permanent endowment fund of £400 a year for the Pictou academy. £250 additional was voted for completing the Kempt road. On the 25th, the question of assessment for support of schools came before the house on a motion of Mr. Fairbanks that the report of the joint committee of both houses recommending it be agreed to. Mr. Church opposed this,—said it would bring more evil than any thing ever done in this house for twenty years before. 'I do not wish to go' 'over the whole of it, sir, but I would ask your attention to' 'the 8th principle, as it is called. Every schoolmaster is to' 'receive £60 *per annum*. Is not this inconsistent, sir? I'

‘ask you if it is not ridiculous in the extreme? He must  
‘receive it, whether he is willing to teach for less or for’  
‘nothing at all, still the people must pay him that sum.’ He  
proceeded to shew that in the township he represented, £40  
was the largest assessment ever imposed, yet several were too  
poor to meet their proportion, and were sued for it. Five  
schools were required there, so they must be assessed for  
£300 annually, besides building five school houses. This they  
could not meet. He asserted, that in practice in his vicinity,  
the poor had to pay as heavily as the rich. Treated the plan  
as tyrannical and oppressive, and one which would demand a  
regiment of soldiers in each county to enforce it.—James R.  
Dewolf spoke on the same side. He thought the £11,000 the  
people paid to schools was a taxing of themselves to the full  
extent of their means. ‘If they were to receive legislative’  
‘aid, give them something to carry on their own plans. But’  
‘in what manner would the house now act? When their’  
‘constituents tell them, we have done all that we can,—we’  
‘cannot do more, and they pray for a grant from the public’  
‘funds, what answer do they receive? When they seek’  
‘money, they receive law—when they ask bread, we give’  
‘them a stone.’—B. Dewolf wished time to consider the ques-  
tion, and that it should lie over until the next session.—Mr.  
O’Brien was in favor of the report. The system would cost  
£25,000 *per annum*, but half of that sum would be for the  
board of teachers, and the trustees could take a large amount  
of produce. As every one must contribute according to his  
ability, the poor would be chief gainers. He thought it the  
only plan to diffuse general education.—Mr. Uniacke argued,  
that in despotic governments education was not favored, but  
here the reverse was the case. He viewed this plan as oppres-  
sive and speculative. ‘I have no idea, Mr. speaker, of forcing’  
‘any system upon the people, even tho’ it would ultimately’  
‘lead to their benefit. In my opinion, there can be no objec-’  
‘tions to have the country divided into school districts, but’  
‘let no system be urged upon them till it be agreeable to’  
‘two-thirds of the inhabitants. Do not make it compulsory—’  
‘leave it to the freedom of their own will, for they assuredly’

'are the best judges. Look, sir, to the scattered state of our' population in the distant parts of the country, and it will be' 'apparent that many inhabitants of a district must necessarily' 'be five or six miles distant from the school, and in such a' 'case, for one day their children could attend they would be' 'absent ten.' He proposed a grant of £2500 or £3000 in aid.—W. H. Roach opposed the report. He argued that the chief weight of such an assessment would fall on the rich, as the poor could not pay it. 'For his own part he would be' 'willing to give £5000 for seven years to the support of' 'English schools, for it was truly deplorable to see the rising' 'generation grow up in ignorance.' Suggested new duties on rum, wine, and other articles of luxury, to meet the expence.—Messrs. Lawson and Fairbanks defended the plan of assessment; Mr. T. Roach urged the necessity of having something done for education, and Mr. Fraser, of Windsor, spoke with great spirit and force against the measures recommended in the report. On a division being called for, there were 12 in favor of the motion to adopt the report, and 24 against it. For the motion: Chipman, Wells, Lawson, Fairbanks, O'Brien, Smith, R. Dickson, Bingay, Hartshorne, Albro, T. Dickson, Wier. Against: J. R. Dewolf, Sargent, Ruggles, Bishop, Kavanagh, McKinnon, Campbell, Robertson, Flemming, W. H. Roach, B. Dewolf, Poole, Young, T. Roach, Blair, Fraser, Morse, Crowell, Uniacke, Church, Heckman, Dennison, Gesner, James. It was then ordered, on motion of Mr. Smith, that the joint report should be printed in the gazette. Next day, 26th, a new writ was ordered for county of Sydney. 30th, a bill to establish a bank at Halifax was lost in committee, 14 to 20. 31st, a bill for more convenient division of the province into counties, was lost, 25 to 6. 7th April. Mr. Blair, member for Cumberland, being about to go to England, and not expecting to return, sent a letter to the speaker, requesting leave from the house to resign his seat, which was referred to the committee of privileges. Monday, 11 April. The committee reported against vacating Mr. Blair's seat, or accepting his resignation; and the house afterwards, 25 to 3, negatived a resolution proposed to declare his seat vacant. On the same



day, the president, Wallace, prorogued the assembly, expressing the greatest satisfaction at the proceedings and harmony of the session, and the liberal supplies granted. While Mr. Archibald was presiding with success over the house of assembly of his native province, where he had so long been a distinguished member, it will be seen that his non-residence in Prince Edward island proved unsatisfactory to that colony. On the 11 February, the house of assembly at Charlottetown addressed lieutenant governor colonel Ready, and requested him to inform them "whether it is intended by government that chief justice Archibald should have permission to reside in Nova Scotia, and this colony be deprived for the greatest part of the year of his eminent talents in the legislature, as well as his most essential services as chief justice." To which his excellency replied: "Gentlemen—I am not aware that it was communicated to me officially, but on Mr. Archibald's appointment to the chief justiceship, I was informed that it was with the understanding that he should have permission to reside in Nova Scotia." Mr. Archibald was now possessed of great influence. His eloquence, moderation and urbanity were very remarkable. Easy and graceful at the bar and in the legislature, he seemed to casual observers to deal with every question as the spontaneous ideas and expressions presented themselves, without previous study or preparation, but in reality he was diligent on all occasions to become early master of the facts and arguments applicable to every question he was engaged in. He seldom was betrayed into any remark that seemed harsh or unkind, and had great and enduring self-control. He was perhaps too prone to be governed by expediency, owing to which, although ever witty and pleasing as an orator, he sometimes appeared to reason rather plausibly than soundly. His intellect was peculiarly diplomatic, and he watched the course of opinion, and by following it often had the credit of leading it. No man could more quickly discern the salient points and true bearings of argument, and by passing the minor questions give force to the greater. Thus he was never tedious or intricate, always powerful in persuasion, quick at reply, ready in simile and illustration, and, when

roused to exertion, powerfully convincing. Yet his eloquence rarely aimed at lofty declamation or pathetic description. Moderate in his passions, he had little of the thunder and lightning of a Demosthenes or a Chatham, but was excellent in calming the ruffled feelings of his audience, and enforcing the prudent, practical, yet honorable course of action. His weight in the assembly was increased by the fact that the three colonel Dicksons, who all had seats, were his brothers in law—Mr. Smith was a friend and connection, and besides his own colleagues for the county of Halifax were partly obliged to him for their seats, as his power in Colchester and Pictou was considerable. Add to this, he was somewhat in favor with general Kempt.

On the 21st March, Mr. Huskisson brought into the house of commons a series of resolutions, to remove most of the restrictions upon colonial trade, and his speech on the subject was received at Halifax on saturday morning, 23 April. This being St. George's day, and also kept as a holiday in honor of the king's birth, instead of the 12 August, the Royal standard was hoisted on citadel hill, and lieut. colonel Herries, of the 96th foot, then commandant, reviewed the troops in garrison, the militia artillery, and the grenadier and light companies of Halifax militia. It being understood that Mr. Huskisson's motion had the support of government, great excitement was manifested, and the town was illuminated in the evening. This is described in the papers of the day, as follows: "The contents of the speech of Mr. Huskisson and the substance of his resolutions were no sooner known than the generous flame of enthusiastic and patriotic joy burst forth into the most ardent and heartfelt expressions of congratulation among our delighted citizens. All parties, distinctions and animosities were for the time forgotten, and the young and the old, the grave and the gay, thronging the streets, clustered at noted corners or assembled in their families, joined in the exultation of this memorable 23d of April. Some of the most zealous assisted in preparing the Province building and Exchange coffee house, for illumination in the evening. Such a day of cheerfulness had not been witnessed in the place for ten years.

The blessings of a free trade to the provinces, were, in the opinion of the thinking part of the community, sufficient to erase from our hearts the sufferings and privations of many years, and those who could not enter fully into the reasoning that led to this conclusion, caught by sympathy a portion of the universal gladness. When the day ended, the Province house glittered with light—the national banners of Great Britain floated in the area, and the band of the 74th regiment enlivened the scene with national airs. The inside of the building was rapidly filled with spectators of all ranks and ages, all the public rooms having been thrown open for their reception; and we feel the highest gratification in stating that this permission was not in the slightest degree abused. The valuable books and paintings, and the highly finished decorations of the interior, although left in a great measure at the mercy of those whom some contemptuously term the mob, received no damage—no detriment from this exposure. This decency of conduct reflects lustre on the character of our native population. In the course of the evening a large body of the inhabitants went with the 74th band to the residence of the venerable president, to shew their joy at this event, and to manifest the respect they entertained for his character. He addressed them in a few words, and declared his conviction that the day was most auspicious to this country, and was replied to by the warmest cheering. Captain Stewart, of his majesty's ship *Menai*, then addressed the people—assured them he was a Nova Scotian in sentiment, and spoke of the day as an era in our history. He said that Britain had contended with the whole world—that she had paid the piper and had found herself equal to discharge the expence; that of all the colonies he had been in, and he had seen many, this was the most blest by natural gifts and in the amiable character of its people. His lively and humorous eloquence was interrupted by incessant shouts of applause and merriment. The day was very pleasant, but in the evening heavy rain at last compelled the numerous assemblage to disperse." The acts of parliament of 6 Geo. 4, c. 73, 109 & 114, passed 27 June, 1825,

5 July, 1825, carried into effect the changes in favor of colonial commerce, proposed by Mr. Huskisson.

Rev. Dr. Inglis was consecrated as bishop of Nova Scotia on 27 March, Palm Sunday, in England. 3 May.. John Young was elected member for the county of Sydney. In June, Sir Howard Douglas, lieut. governor of New Brunswick, visited Halifax. Monday, 13 June, lieutenant general Sir William Lumley, the governor of Bermuda, with his lady, arrived at Halifax in H. M. S. Menai. He was received with salutes of cannon, a guard of honor, &c., and welcomed here by Sir Howard Douglas and the officers of the garrison. In April it had been announced that a company had been formed to send a vessel direct to India. Its capital was said to consist of 150 shares, of £100 each. On Monday morning, 20 June, the brig *Trusty*, Finlay, master, equipped by this company, left Clark's wharf, in Halifax, for Calcutta. Richard Tremain, junior, went in her as supercargo, or agent of the company.

The report of Francis Hall, engineer on the Shubenacadie canal, dated 17 June, was now published, in which he says: 'I feel confident of the practicability of the undertaking, and' 'with fewer difficulties than I have seen or experienced in' 'canal works, either in Britain, Canada, or the United States.' He estimates the expense of completing a canal from the harbor of Halifax to the basin of Minas, of the depth of  $4\frac{1}{2}$  feet water, at £44,136 18s. 5d.; but if terminating at the South end of the first Dartmouth lake, with a railway thence to the harbor, at £29,494 18s. 5d., and for a canal of 8 feet depth, £39,702. June 24, Friday. Sir H. Douglas and Sir William Lumley reviewed the troops in our garrison. Sunday, 26th June. In the afternoon the troops of the garrison of Halifax, consisting of the 81st, 96th, and part of the 74th regiments or foot, were formed into a square on the exercising ground. Major general Douglas, lieut. general Lumley, admiral Lake, Mr. president Wallace, many ladies and gentlemen, attended. The rev. Mr. Twining having made a prayer over the colors of the 96th regiment, lady Lumley presented them to lieut. colonel Herries, their commanding officer, and made a suitable address to the men of his regiment. The colonel then harangued his



men at some length, and after some evolutions the parade terminated. 25 July. John Puttun, for forging province notes, was sentenced to one year's imprisonment, one hour in the pillory, and to have one of his ears cut off. Thursday, 18 August. Sir James Kempt arrived at Halifax, in the packet *Sphinx*, 31 days from Falmouth, with his A. D. C. major Yorke. He landed privately, and next day held a levee, which was numerously attended. Major general Sir James Carmichael Smyth, major Sir George Hoste, and captain Harris, R. E., commissioners to inspect the military establishments and fortifications in British North America, came here from New Brunswick, 13 August. 30 August. Charles Ramage Prescott, of Cornwallis, was appointed by the lieutenant governor to the seat in H. M. council, vacant by the death of Mr. Hill, and sworn into office. 30th and 31st August, and 1st September, races took place on the Common, at Halifax. The first bank established in Halifax advertised its opening 3 September, as a bank of issue and discount. It had no act of incorporation or charter. The partners who signed the public notice were, Henry H. Cogswell, president; William Pryor, vice president; Enos Collins, James Tobin, Samuel Cunard. John Clark, Joseph Allison, Martin Gay Black, of whom Mr. Collins alone now survives.

The summer of 1825 had been unusually warm. In August and September fires raged in the woods of these provinces far more than was usual. In the middle of September, timely showers checked them in many places. In Miramichi there had been all along an absence of rain, and the fire which had been spreading on the upper parts of the river rushed down with great velocity on Friday, 7 October, and great loss of life and property ensued. A terrific storm, simultaneous, if not caused by the conflagration, augmented its horror. The tidings of this disaster reached Halifax on Saturday, 15 October, and on Sunday morning a meeting was held at the Exchange coffee house, at which £1200 was instantly subscribed to aid the sufferers. [*See appendix.*]

On the 19th November, doctor John Inglis, now lord bishop of Nova Scotia, arrived, with his lady and daughters, in H. M.

S. Tweed. Next day he landed in the admiral's barge, under a salute of cannon and ringing of bells. On the 11th, he was sworn in as a member of H. M. council, under a mandamus, and took the seat next after the president, and was speedily complimented in addresses from many of the inhabitants of Halifax, his late parish and place of residence,—from the graduates of Windsor college, of which he was a governor, &c.

During this season, a joint stock company, with £15,000 capital, was formed in Halifax, to carry on the South sea whale fishery.

## APPENDIX TO CHAPTER XXXIX.

### (1.)

Died, May 29, at Demerara, Miss Gertrude E. Tonge, of Windsor, N. S., a young poetess. [See Acadian Recorder of 5 March, and 9 and 16 July, 1825.]

Died, May 31, Jacob Miller, aged 83.

Died, August 16, hon. Charles Hill, aged 77.

Died, December 17, at Falmouth, William Young, member for township of Falmouth, aged 48.

Married, 28 June, at St. Paul's church, by Rev. Dr. Willis, hon. Enos Collins, to Margaret, eldest daughter of the hon. judge Halliburton.

### (2.)

NOTE.—In page 25 of my first vol. I attributed the name of *L'Equille* to the stream called Allen's Creek. I have since been enabled to refer to the original edition of *L'Escarbot*, Paris, 1609, and from what he says page 481, and in *Les muses de la Nouvelle France*, of same date, annexed, p. 24, on margin, as well as what I find in Champlain, I am now satisfied that the river now called the Annapolis river, was at first called the *L'Equille*, and shortly after (as early as 1609) it was called *la rivière des dauphins*. I feel obliged to P. S. Hamilton, esq., and Dr. J. B. Gilpin, who both called my attention to this error.

### (3.)

#### THE FIRE AT MIRAMICHI.

(Extracts from a pamphlet published at Halifax in 1825.)

On the afternoon of Friday, the 7th of October, 1825, about half-past 3 o'clock, P. M., a broad and dense column of smoke was seen to rise in a vertical direction, at a considerable distance in a direction N. W. of Newcastle. The atmosphere was partially obscured by it, but the wind, which was moderate though shifting,

blowing from the North, appeared to carry it to the leeward of those parts of the river that were more thickly inhabited, and, consequently, little or no apprehension of danger was entertained. It was, however, supposed that extensive fires must be raging in that quarter, but they excited no alarm in the minds of the people, which can hardly be accounted for, except from the circumstance of their never having experienced the sad effects of fires in any former instance, and their not estimating properly the great aridity of the forests that followed the extraordinary and long-protracted heat of the past summer.

At 7 o'clock, P. M., a smart breeze sprang up from the N. W., and the air became almost instantaneously so darkened that no objects whatever could be perceived at any distance. Ashes and cinders showered down in such quantities, that those persons who were exposed were nearly blinded and suffocated before they could retreat under cover. The inhabitants kept within doors, and many had retired to their beds, as usual with them on dark nights. They had no fears of any further consequences than the temporary inconvenience.

About 8 o'clock, P. M., a loud roaring was heard in the woods, and from the burnt substances still continuing to thicken the atmosphere, it was so dark that the flames could not be distinguished, though they were at that time at a distance of not more than one mile from the river. Immediately after, the wind blew a hurricane—the roaring noise became more and more tremendous, and seeming to the astonished and dismayed hearers as if earth had loosened from her ancient foundations, and that the elemental strife of chaos were recommencing. Flames burst in masses upon their affrighted vision; earth, air and sky were illuminated by an immense sheet of fire that rushed with inconceivable velocity from the adjacent woods, and in a moment enveloped the devoted settlements of Newcastle, Douglastown, and in fact the whole Northern side of the river, with flame, cinders, ashes, and heated sand. The hope of preserving life became the sole idea that presented itself to the appalled and horror-stricken people, who fled in every direction with the most precipitate eagerness. In about three minutes from the appearance of the flame, their houses were all blazing.

At this period the scene was awfully terrible. The dazzling brightness of the flames—the tremendous blasts of the storm that swept them with an inconceivable impetuosity over the surface of the earth and water—the agonized feelings, and the horrors of the flying and distracted inhabitants—the screams of the burnt, the burning, and the wounded, mingled with the cries of domestic animals scorched and suffocating with the heat. Men flying half naked—the sick, of whom there were many from the epidemical fever, endeavouring to save their feeble stake in existence—women with their infants, all urging their way through the volumes of smoke and fire that gleamed destruction around them and seemed to bar retreat. In fact no description can do justice to the miseries of those fatal moments, as the proximity of immense forests parched up to tinder by the summer's heat, and now in one universal conflagration, caused an ocean of fire that we may conclude to be unparalleled in the history of forest countries, and perhaps not surpassed in horrid sublimity by any natural calamity from this element, that has ever been recorded.

Some of the people ran to the river side, and plunged up to their necks in the water for safety. Others betook themselves to rafts of timber, floating logs, canoes, boats and scows, and suffered themselves to drift at the mercy of the wind and tide, without oars, sails, or any other assistance to guide them, and ignorant

whether they could find an asylum from the blazing storm that blew death and havoc among them. To many, this resource was unavailing, and they sunk in the treacherous wave never to rise. Hundreds took refuge in a marsh lying near the river, and about half a mile Southwest of Newcastle, expecting each moment would be their last, as the fire which they had left behind began to pursue them faster than they could fly before it. There was little of a combustible nature between the town and the marsh, so that it proved the safest retreat which could be afforded to the inhabitants, and this fortunate circumstance saved many valuable lives.

It has since been ascertained that the conflagration extended from the Northward from the neighborhood of the Bay Chaleur, where two cottages in the forest were consumed, to Richibucto, a distance of 85 miles by land,—and from that place over the whole extent of the Miramichi and its North and South West Branches, the Baltibogue, Nappan and Black Rivers, and other tributaries, including a tract of more than 100 miles in a direct line, and containing about 8000 square miles of forest in New Brunswick, subjected to the ravages of flame and hurricane. In connection with this may be viewed the burning of a great part of the town of Fredericton, the seat of the government of that province, on the same day that Newcastle suffered, and the fires in the forests of Upper and Lower Canada, and the State of Maine, where the river Penobscot was described as resembling a sea of fire for thirty miles of its course, and the reader may judge of the extent of the injury to the wood, and the ungovernable rapidity with which the flames must have been carried by the winds, to find them at the same period desolating parts of America, from Brockville to Miramichi, and from the Saint Lawrence to the Penobscot. In this extensive range of mischief, the sufferings of the parish of Newcastle were far surpassing all the rest in proportion and miserable consequences. Such horror and confusion reigned in the minds of the people, that very many were persuaded that the great and terrible day had arrived when the Almighty is to judge of the hearts and actions of all his creatures.

The fire in extending through Douglastown exposed the shipping to the greatest danger, and three vessels were burnt. It proceeded on to Baltibogue, at a distance of about 12 miles down the same bank of the river towards the mouth, where it added inevitable death to the most afflicting scenes of distress and danger; and if it were possible that the sum of human misery was proportionably greater in any particular part, it was in these settlements where whole families at once have perished.

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The shipping lying in the river amounted to 120 sail of square-rigged vessels, and during the whole of the hurricane they were in the most imminent danger from the violence of the wind and the fierceness of the flames. Numbers caught fire in the rigging and their lighter upper works. The assiduous care and perseverance of the seamen saved them all with the exception of three, and two others that were at the time on the stocks, belonging to messrs. Abrams & Co., which were consumed.

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The town of Chatham, on the Southern side of the river, was most happily preserved, otherwise all the unfortunate beings who escaped with their lives must have become the victims of starvation, or perished for the want of shelter.



[From a handbill printed at Chatham, 10 October.]

From one or two hundred people have perished within immediate observation, and thrice that number are miserably burnt or otherwise wounded ; and at least two thousand of our fellow creatures are left destitute of the means of subsistence. About three hundred of the sufferers are already in Chatham, and numbers of men, women and children are hourly pouring in and throwing themselves upon the bounty of its inhabitants.

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The intelligence arrived at Halifax on the afternoon of Saturday, the 15th October ; and early on Sunday morning, the 16th, a town meeting was held, and £1200 subscribed on the spot. Committees were sent round the town and vicinity to solicit subscriptions, and a young gentleman was dispatched overland to carry intelligence to Miramichi that provisions and clothing would immediately be forwarded. His Excellency Sir James Kempt attended the meeting, and on the ensuing morning (Monday) convened his majesty's council, and in conjunction with the members of the Assembly then in Halifax, they directed £1000 to be given out of the Provincial Treasury. The garrison and the navy in harbour gave a day's pay. Sermons were preached by all the clergy, and collections made in their respective churches ; and the greatest anxiety was manifested by all the inhabitants for their suffering brethren. Servants requested their employers to settle their wages, that they might contribute their mite to the cause. A ship of war, the *Orestes*, Capt. Litchfield, was despatched with provisions, &c., and three or four smaller vessels, and several military surgeons volunteered to go, that they might be of service to the wounded.—The subscriptions in Halifax soon amounted to upwards of £2000, besides the grant of £1000 from the Treasury, and articles of necessity contributed in lieu of money, and estimated at above £1000 ; and throughout Nova Scotia the example of Halifax was promptly imitated.

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Among the strange incidents which occurred on the occasion, the following will serve to manifest the necessities and devastations to which all living creatures were subject :—The cattle, wherever they could, resorted to the river, and in one instance a bear was discovered amongst them, where he remained until the danger had passed over, when he quietly departed without attempting to do any mischief.

The salmon in the respective branches of the main river, where the conflagration had prevailed, were literally bruised to death and suffocated, from the substances which poured upon the waters and the disturbance occasioned by the hurricane, as immense numbers of them, with bass, trout, &c., were found on the shores the next day. The same causes produced the like effects upon the sea fowl—numbers of them, particularly gulls, having been discovered dead upon the shores.

On the approach of the fire, the snakes made for the clearing, and in some places where they could not make further efforts to escape from the flames which raged on both sides of the roads, many were found dead the next morning.

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As soon as possible, subscriptions were made in aid of the sufferers.

The sums given in Great Britain,	£13,232
United States,	5,325
Lower Canada,	5,308
Upper Canada,	1,584
Nova Scotia,	4,508
New Brunswick,	8,427
Other colonies,	5,223
	<hr/>
	£43,607

Lives lost by the Fire, - - -	130
Drowned, - - - - -	10
Since by injuries received at the Fire, -	20
	<hr/>
	160
Number of sufferers, - - - -	3,078
Houses, Stores, Barns, Mills, &c., - - -	595
Horses, Oxen, Cows, Sheep, Hogs, - - -	875
Tons of Hay and Oats, - - - - -	2,445
Rods of Fence, - - - - -	36,235
Amount insured, - - - - -	£12,050
Amount of loss sustained by the inhabitants of	} £225,473 6s.
Miramichi, - - - - -	
Grand Total loss, exclusive of Timber on Crown	} £248,523 6s.
Lands, - - - - -	

## CHAPTER XL.

1826. The assembly met wednesday, 1 February, (12th general assembly, 6th and last session.) His excellency lieutenant governor Sir James Kempt opened the session with a speech. He says : ' After an absence from the government, by his 'majesty's permission, it affords me sincere pleasure to meet 'you again in general assembly, and it adds not a little to 'the satisfaction which I feel, to have it in my power to 'congratulate you upon the general prosperity of the province 'and the peaceful contentment and happiness of the people.' He tells them that every branch of industry was in a thriving condition,—the revenue steadily increasing,—crime of rare occurrence,—laws mildly and impartially administered, 'and 'every man securely enjoys the fruits of his industry under 'their protection.' That commercial freedom was almost the only blessing which we did not enjoy, but the removal of the restrictions from colonial trade promised much public and private advantage, and he anticipated considerable increase of our revenue from duties on foreign productions, imposed by parliament ; that he hoped great public improvements might be in their power to undertake, and they might be able to relieve the parent state from some expenses of the provincial civil list, still defrayed out of the revenues of the United kingdom ; that payments of importance had already been made to our treasury by the collector of H. M. customs. He recommends schools,—the canal to Minas basin,—the agricultural society, and encouragement to fisheries, to their attention ; and expresses the most perfect reliance on their experience

and judgment in public affairs. Such was the substance of his address, and the replies of both houses were in entire harmony with it. 1 Feb'y. John Young was sworn in, having been again returned as member for Sydney county; and William Henry Shey, returned for Falmouth, vice William Young, deceased. On the 7 February, the house resolved, 15 to 11, to adopt the principles of the report of the joint committee of both branches on the subject of schools—of last session, with this modification, that it should not take effect in any school district unless with the consent of two thirds of the rateable inhabitants. The public accounts of the year past exhibited a revenue of £53,541 4s. 4d.; funded debt, £48,150 os. od.; interest due thereon, £946 10s. od.; notes in circulation 31st December, 1825, £31,877 10s. od.. Balance of indebtedness, £23,769 13s. 8d. On the discussion as to schools, Mr. Fairbanks was the mover of the resolution. He urged the example of Scotland and that of the United States, 'a country which' 'was advancing so fast, as in many points to hold a rivalry' 'with the mother country from which she sprung.'—'Every' 'man there had received the first rudiments of learning, and' 'he knew it to be a fact that among those fishermen who were' 'attracted to our shores, there were none, however low their' 'situation, who were not able to read and write. He said that' 'more than two thirds of our population were growing up in' 'ignorance and vice, and the appeal of the country now' 'demanded that something should be done to spread among' 'the rising generation the blessings of education.' He argued that to give effective encouragement to schools out of the provincial revenue would swallow up nearly the whole of it; and that in this case a direct tax was necessary and justifiable. Mr. James R. Dewolf opposed it, on the ground that the people were opposed to a direct taxation. Tuesday, 14 Feb'y. The lieutenant governor, by message, informed the assembly 'that having experienced considerable difficulty in discharg-' 'ing his duties as chancellor, for want of a competent, legal' 'assistant, unconnected with any of the common law courts' 'of the province, he had deemed it his duty to represent to' 'his majesty the necessity of appointing a master of the rolls'



and had at the same time recommended Mr. Robie for the appointment. The king having approved this, his excellency now suggests to the assembly the expediency of their making suitable provision. He had commissioned Mr. Robie as master of the rolls, under a conviction of the necessity of the office. 16 February. £12,000 granted for roads and bridges, was subdivided. [On Saturday, the 18th February, a public meeting was held in the Exchange coffee-house, in Halifax, on the subject of the Shubenacadie canal. Mr. Wallace acted as chairman. He recommended the undertaking. C. R. Fairbanks addressed the meeting, and stated that the trade of Minas basin and the adjacent settlements was now diverted to St. John. He stated the different surveys and reports of Hildreth, Gill, and now of Fr. Hall. A canal could be cut, of 4 or 8 feet in depth, as might be decided upon, and thus a schooner of 80 or 100 tons burthen might pass, by an inland navigation, from the harbor of Halifax to the Basin of Minas. Mr. Hall, he said, pledged himself to obtain respectable contractors, who would finish the works at the stated sum and within 18 months from the commencement. The hon. judge B. Halliburton next advocated the plan earnestly. Mr. Lawson seconded the resolutions. Mr. Young supported the proposal of making the canal 8 feet deep. The resolutions which they passed went to form a joint stock company, shares £25 each, provided sufficient aid should be granted by the general assembly. The canal to be 8 feet in depth, the estimate for which was £56,934 9s. 4d. The first call to be for 20 per ct. on subscriptions. Joseph Allison, Samuel Cunard, Thomas Boggs, Lewis E. Piers, Charles Rufus Fairbanks, William Bruce Almon and John Alexander Barry, were appointed the committee to carry the plan into effect. At the close, Sir James Kempt's name was subscribed by Mr. Wallace for £500. Messrs. Jeffery and Cunard signed for £1000 each. The subscriptions soon afterwards amounted to £13,000. Mr. Collins took shares to £1250.) The capital stock proposed to be raised was £60,000. On monday, 27 Feb'y., the house voted £15,000 to the Shubenacadie canal company, viz., £4000 when the communication is open and navigable for

vessels drawing 8 feet of water, from the mouth of the Shubenacadie river to the South end of lake William ; £3000 when the communication is complete of the same depth from lake William to lake Charles ; £3000 when it extends from lake Charles to the South end of the Dartmouth lake ; and £5000 when completed to the harbor of Halifax. Not more than £3000 to be paid out of the treasury on this grant in any one year. This was concurred in by H. M. council on 1 March.

On tuesday, 21 February, the message received from his excellency relating to the appointment of Master of the Rolls, upon the second reading of a resolution of the committee, that it was expedient to make a suitable provision for this office, underwent considerable discussion. It was supported by the Speaker, messrs. Fairbanks, Lawson, Uniacke and Fraser, on the ground that his excellency had experienced difficulties in presiding in the court of chancery, having felt himself not altogether competent to decide upon the matters which came before him ; that it was a boon which his excellency deserved from his zeal for the public service, and the general interests of the province ; that the recommendation not only came from his excellency, but also from his majesty's ministers ; and that the peculiar favors which the province had received from the mother country, had every claim upon our respect and gratitude. Mr. Young considered that it would be highly improper to run in the face of his excellency's recommendation ; but when he considered the very heavy expence the Judicial establishment was to the province, and that it was the first appointment of a Master of the Rolls throughout the British foreign possessions, it would be well to pause before they made the appointment permanent ; he therefore recommended it to be limited to the period of his excellency's administration ; this mode, he thought, would be treating his excellency's message with more distinguished consideration, and would enable the province to judge whether the advantage arising from the office was commensurate to the expence. Messrs. B. Dewolf, W. H. Roach, and Church, strongly opposed the measure. The committee divided, and the question was carried, twenty

voting for it and ten against it. The bill subsequently passed this session, giving £600 a year permanently as salary of the Master of the Rolls.—The death of Nathaniel Atcheson, the agent of the province in England, being known here, the house, on 23 February, voted that John Bainbridge, of the city of London, merchant, and Crofton Uniacke, barrister, (now settled in London), should be joint agents. Subsequently, H. M. council proposed that Andrew Belcher and Crofton Uniacke should be appointed, but the house adhered to their first nomination. In a report on light houses, 23 February, new light houses were recommended,—one at Mauger's beach, one on St. Paul's island, one at the Seal islands, and one on Cross island. £900 was voted for post communication; £400 for survey of county boundaries; £1000 for seed horses to be imported; other sums for roads, for clearing out rivers, &c.; £350 to the Acadian school; £98 to Richard U. Marsters, to enable him to buy a transit instrument, to aid in improving chronometers. (Marsters was a native of Nova Scotia, of great scientific genius.) Ten shillings a day for members' pay. Thursday, 6 April, the assembly was prorogued.—Important acts were passed this session respecting highways and commissioners of streets in towns. An act respecting schools, in which assessment was allowed for their support, where two-thirds of the persons rateable in a school district agreed to it; and £2500 was granted from the treasury to aid schools. An act to incorporate a company to work Iron mines in Annapolis county; the act to provide for the Master of the rolls; an act for issuing £40,000 in treasury notes; an act repealing some of the Roman catholic disabilities. The house of assembly, 4 April, passed an address to his excellency respecting the duties collected under the new acts of parliament, in which are the following paragraphs:—"It is, therefore, with extreme regret this house have learned that the lords commissioners of his majesty's treasury have ordered the collector and comptroller of the Customs at Halifax, to apply, in payment of certain salaries, the produce of the duties arising from the said act, and which is thereby directed to be paid into the colonial treasury, thus claiming the same control over those duties



which their lordships are empowered by that act to exercise in colonies possessing no local legislatures.”—“It is a duty which we owe equally to the government of the mother country and to his majesty’s subjects in this province, most explicitly to state to your excellency, That we consider all the duties imposed by, and payable under, the said act of parliament, except such duties as are payable to his majesty under acts passed previous to the 28th year of his majesty’s reign, to be entirely under the control and at the disposal of the colonial legislatures ; and that no other authority whatever can legally direct the collector of his majesty’s customs to pay over those duties, or any part of them, to any person but the treasurer of the province. The house, therefore, most respectfully submit, that the order of their lordships is in direct opposition to the 13th section of the said act of the Imperial parliament, which directs the manner in which all these duties are to be paid and appropriated, and cannot be warranted by any clause in the said statute.”—“The house of assembly are duly sensible that the Shipping interest of this province will derive very great advantage from the total reduction of the fees formerly payable to the officers of the customs within the British possessions ; but they at the same time beg to represent, that those advantages will not be so extensive when it is considered that our colonial vessels still remain liable to heavy charges in foreign ports ; while British ships, and ships of foreigners, which formerly paid towards the support of the custom house, are now admitted free from any fees, or impositions whatever.” This was carried up by the speaker and whole house on the 5th April, and his excellency promised to lay it before the minister.

On the 11th April, Mr. Archibald was appointed solicitor general, in place of Robie, now Master of the rolls ; and on the same day the lieutenant governor, by proclamation, dissolved the assembly, and directed writs to issue for calling a new one, to be tested monday, 17 April, and returnable on thursday, 6 July. The elections took place in May and June.

In May, fires raged in the woods all along the Western shores of the province from Halifax to Shelburne, destroying great quantities of trees.



Monday, 29 May, The hon. East India company's ship, the 'Countess of Harcourt,' commanded by Thomas Delafons, esq., captain Royal navy, arrived at Halifax, from Canton. She had left Canton 25 January, and St. Helena 16 May. Her cargo consisted of 6517 chests of tea, and she was consigned to messrs. Cunard & Co.—June 14. A new pair of colors were presented to the 81st regiment. The ceremony took place on the Exercising ground, which is part of the Common. The 81st, 74th, and Rifle brigade, occupied three sides of a square. Sir James Kempt, who was colonel of this regiment, with his staff, and admiral Lake, were in the open space. The colors were blessed with prayer, and then Mrs. Creagh, wife of lieut. colonel Creagh, in command of the corps, made an address, and handed the flags to ensigns DeRottenburg and Creagh. (Mrs. Creagh was a daughter of the late Dr. M. Head, and a native of this province.) A ball was soon after given by the officers of the regiment, in honor of this affair.

The brig Trusty, Finlay, master, arrived about the end of June, after a year's absence, having been to Calcutta and Madras, with a valuable cargo.

In the beginning of July, Sir Howard Douglas, with his wife and daughters, arrived from his government of New Brunswick at Halifax, in H. M. S. Niemen, captain Wallis, and landed under salutes from the Jupiter, Niemen, and George's island. Sir John Keane, the governor of Jamaica, and his suite, came here at the same time in the Valorous; and on thursday, the 20 July, H. M. S. Menai, from Quebec, anchored at 1, P. M. Earl Dalhousie and his countess came on shore from her, and were received at the king's wharf by his excellency Sir James Kempt, and a numerous assemblage of the most distinguished strangers and respectable inhabitants; a guard of honor was also drawn up—the yards of the ships in harbor were manned, and the customary salutes were fired upon the occasion. It seems probable that this assembling of governors, generals, &c., had some business object, especially as lord Dalhousie had ever recurring discord with the house of assembly of Lower Canada. However that may have been, a series of amusements were kept up during their visit. On 19th July, wednes-

day, there began a regatta in the harbor. The wind on that day was light and baffling, but the scene was highly animated, and one of peculiar beauty and interest. The hills commanding a view of the harbor—the wharves, shipping, &c., were all thronged with spectators of the interesting scene. The day was fine, the wind moderate, the competition great, which, with the classification of the boats, all produced a most pleasing effect. The boats started at one o'clock, and it was five before the contests were determined. At that hour a large party assembled aboard of H. M. S. Jupiter, at the invitation of rear admiral and Mrs. Lake, where a dinner was provided ; after which, dancing commenced, and it was not until a late hour that the company separated. Among the guests were their excellencies Sir James Kempt and Sir Howard Douglas, the misses Douglas, major general Sir John Keane, the members of his majesty's council and their families, the officers of the garrison and squadron, and a number of respectable inhabitants of the town. The race course on thursday and friday exhibited all the animated scene of the preceding day—it was lined with spectators, as was also the North-western side of the Citadel hill. The running excited a strong interest, and no accident occurred to interrupt the amusements. His excellency the lieutenant governor gave a ball and supper to a very large party, among whom were his excellency the earl and her ladyship the countess of Dalhousie, his excellency Sir Howard Douglas, lady Douglas, the misses Douglas, rear admiral Lake and lady, miss Lake, major general Sir John Keane, captain Sir William Wiseman, &c. The scene was unusually gay and animated. On the 22d July, a highly complimentary address from H. M. council, the clergy, magistrates and inhabitants of Halifax, was presented to lord Dalhousie, at government house. Among other things they say :

“ We had not forgotten that when last your lordship honored the town with your presence, we heard from your own lips that the countess of Dalhousie should be the companion of your next visit. The fulfilment of this promise has been anxiously expected, and your lordship has not disappointed our hopes.

"The ease of manner and sweetness of disposition which, without compromising the dignity of her rank, formed the charm of that society over which her ladyship presided, have left in our minds a deep impression ; and we delight in recalling those amiable qualities which won our admiration and secured our esteem.

"The return of her ladyship, connected with such pleasing associations, could not fail therefore to impart to us the highest gratification ; and we gladly avail ourselves of this occasion, to give expression to those sentiments and feelings with which her memory is cherished among us."

ANSWER.

"*Gentlemen*—It is my first duty to thank you, in his majesty's name, for the declaration of that loyalty and devoted attachment to our most gracious sovereign, which you have expressed in your address. I know well the sincerity with which those sentiments are felt in Nova Scotia, and it is in receiving such declarations of them that I feel most impressively all the honour of the high station in which his majesty has placed me, and in which I am permitted to speak as his representative. In my public capacity, therefore, this welcome is most gratifying and most acceptable.

"But it is as a private individual, and as such only, that I now return with lady Dalhousie, in performance of my promise to you and my old friend Sir James Kempt. It is as such that I would assure you that the cordial and affectionate regard which we have long felt towards the inhabitants and society in Halifax, has been in no degree diminished by our absence.

"I recall with great pleasure the recollection of those years of my life which have been passed in Nova Scotia ; and it always gives me infinite satisfaction to know that the welfare of this province is so zealously promoted by my friend and able successor in the administration of the government.

"The reception and welcome which you now add to all former proofs of your unvarying approbation and attachment will ever be remembered by us with the most lively feeling of gratitude.

DALHOUSIE.

"Government house, Halifax, 22d July, 1825."

The Shubenacadie canal was commenced on monday, the 24 July. His excellency the earl of Dalhousie, Sir James Kempt, Sir Howard Douglas, Sir John Keane, the members of the council and officers of the army and navy, a number of citizens, and the Masonic lodges, all attended. His lordship the earl of Dalhousie, who broke the ground, addressed the audience as follows :—

*“ Mr. President and Gentlemen,*

“ It is to me a most pleasing compliment to have been called upon to assist here to-day, in the first operation of this public work, so long desired—so important to this province. Persevering inquiry has now overcome all doubts of the practicability of the work, and the spirit of enterprise and improvement has contributed the funds on which to make a beginning. The legislature has afforded that liberal support which, I trust, will encourage, and lead to a speedy and successful accomplishment of, this great undertaking.

“ I am happy, Sir James, to see such convincing proof, as this now affords, of the progress of improvement in Nova Scotia. I have always thought that the advancement of these young countries ought not to be forced,—but leaving the march to the increasing powers of time and rising spirit, a few years comparatively would bring changes far out-doing what we can anticipate in human foresight. I think I have been right as regards this work, for now I feel convinced that we not only commence the canal, projected so many years ago, but in this act we also lay the foundation of many and various improvements that will spring up in connection with it.

“ Mr. Wallace, permit me to congratulate you personally on this occasion : for you are amongst the first whose public spirit suggested this work, and whose constant pursuit of public improvement has never permitted the subject to be dropped, until it has been brought to this point.”

The earl, and many of the company, breakfasted in Dartmouth, at the residence of L. Hartshorne, member for the county. On wednesday, a ball was given by the inhabitants of Halifax, to her ladyship the countess of Dalhousie. The elegant rooms appropriated to the use of his majesty's council



and the house of assembly, were fitted up for the purpose. Over the head of the supper table appeared the Arms of their excellencies the governor in chief, Sir James Kempt and Sir Howard Douglas—the band of the 74th regt. was stationed in an orchestra prepared in the ball room, and that of the Rifle brigade on the staircase leading to the third story of the building. The company began to assemble at nine o'clock, and at half-past nine lord and lady Dalhousie arrived, and were received at the entrance of the building by the committee of management, the bands playing “God save the King.” Her ladyship was led into the room by the hon’ble. Michael Wallace, and dancing soon after commenced,—lady Dalhousie opening the ball with the hon. judge Halliburton, and they being followed by lord Dalhousie and the lady of the Master of the Rolls, Mrs. Robie. Sir Howard and lady Douglas, and the misses Douglas, rear admiral and Mrs. Lake, miss Lake, Sir John Keane, Sir William Wiseman, Sir Rupert D. George, the staff, and regimental officers of the garrison, and the officers of his majesty’s ships in port, were among the guests.—The room was well filled, though not crowded, and admitted of three quadrille parties dancing at the same time. All seemed pleased and gratified, and none more so than her ladyship the countess of Dalhousie. Ices and other refreshments were bountifully provided, of which the company occasionally partook. At twelve o'clock the supper room was thrown open. The hon. judge Halliburton conducted her ladyship to the head of the table. On his left was seated the earl of Dalhousie, and on the right of lady Dalhousie, Sir James Kempt. The supper embraced every delicacy which could be procured, and all appeared to enjoy it. The health of lady Dalhousie was given by judge Halliburton, and received by the company with the most rapturous applause. Lord Dalhousie rose, and returned thanks for the tribute of respect thus offered to her ladyship. After supper, dancing was resumed, and at one o'clock lord and lady Dalhousie retired, and were gradually followed by the rest of the company. The mark of attention thus paid to her ladyship the countess Dalhousie must have been as gratifying to her feelings as it was honor-

able to the community. No compliment could have been paid which would have expressed more fully the gratitude of the public for the honor of her visit. On thursday morning, the earl and countess of Dalhousie, attended by their friends and a guard of honor, embarked on board H. M. S. Menai, captain (Houston) Stewart, but the wind being light and variable, the noble visitants landed again, and spent the evening with a large party at Gorsebrook, the villa of the hon. E. Collins. Next day, friday, they proceeded to sea with a pleasant breeze for Quebec ; and in a short time the other distinguished guests whom Sir James Kempt had entertained at government house, departed to their several commands.

In the autumn, rumors prevailed in Upper Canada at least, that earl Dalhousie was to be recalled,—Sir James Kempt to govern Lower Canada in his stead,—Sir P. Maitland to be lieutenant governor of Nova Scotia, and Sir John Keane of Upper Canada. The changes thus pointed out did not take place at that time, but they were all effected within two years, except that Sir John Colborne became lieutenant governor of Upper Canada, and not Sir John Keane. It was further most confidently asserted in the New York Albion of 25 November, that H. M. government had formed a plan for uniting the provinces of British North America into one confederate system. They were to send delegates or representatives to the place of general government, to enact laws for the whole. Each province to retain its own local governor and two legislative bodies, as they then existed, with some modifications ‘At’ ‘the head of this grand confederation will be placed some’ ‘distinguished individual, appointed by the crown, whose’ ‘business it will be to report to the general government of’ ‘the empire at home, the proceedings of the body over which’ ‘he presides.’ It was rightly surmised that there would be much prejudice to overcome both at home and in the colonies—many jarring interests to reconcile, before so great a scheme could be carried into effect. Halifax, Quebec and Montreal were each named as offering advantageous positions as seats for the general government. The proximity of Halifax to the mother country at all seasons was the chief argument in favor

of its being the centre of government. It was thought at that time that these colonies were yet hardly capable of supporting the splendor of a general government, conformable with this plan; and few, if any, were of opinion that such a change was yet required in their constitution. It was supposed that it would require on the part of every colony many concessions and sacrifices, and that the general government, becoming more complex, would be more difficult of management than hitherto; that it was not likely that they would be at once and voluntarily disposed to consent to such an alteration, unless they were impelled by some dangers and difficulties with which they could not grapple in their separate condition; that very many individual interests would be affected by such a measure, and that few of the leading men in the provinces could expect to preserve unimpaired their present political weight amidst such a dissolution and re-organization of the elements of their power. It would, therefore, seem to require stronger recommendations than those of theoretical writers to make such a project acceptable to the legislature of any of the colonies. The subject of confederation was just at this time much canvassed. I find a project of Robert Gourlay, dated "House " "of Correction, Cold Bath fields, London, Dec'r. 24, 1825." He says: "My proposals are, that Newfoundland, Nova " Scotia, Cape Breton, New Brunswick and Lower and Upper " "Canada, should be confederated: each to be as free within " "itself as one of the United States, and the whole to hold " "congress at Quebec. Each also to send two members to " "the British parliament, to speak but not to vote. A con-" "vention to meet after a lapse of time, to review and amend " "the whole system of government. A supreme judicial court " "to sit at Quebec, for the final determination of appeals, and " "the governor in chief to exercise clemency." Many other particulars are named, among which are—freedom of trade—assimilation of laws, canals, provincial army and navy,—all to be gradually introduced; and religious equality to be established. It seems curious that Gourlay forgot to include P. E. island.

It may not be amiss now to give a few remarks as to the



gentlemen who were our governors at this period, and who assembled at Halifax for some purposes not made known to the people. *George Ramsay, earl of Dalhousie*, was born in 1770. In 1787 he succeeded his father, and in the same year bought a cornetcy in the 3rd Dragoon guards. In August, 1794, he became lieut. colonel of the 2d foot. He served in Ireland in 1798, and in the army of Egypt in 1800. He was employed in the peninsula, at Waterloo, &c. He was a scholar and a gentleman, and generous in his disposition. Although popular in Nova Scotia, he was, while governor at Quebec, far from successful. By one party he was courted and applauded, and fell into their views, which were opposed by large majorities in the representative body. His lady was remarkable for all the qualities that adorn the female sex. His eldest son, George, lord Ramsay, was with him as a boy at Halifax, and was very handsome and accomplished, but died young. James, the younger son, was a fine little fellow when here. He became after marquis Dalhousie, and governor general of India.

*Sir Howard Douglas, of Carse, baronet*, K. S. C. and C. B., F. R. S., lieutenant governor of New Brunswick, descended from the ancient family of Morton, third son of Sir Charles, who, when commodore Douglas was created a baronet for his distinguished services in the command of the squadron which forced its way up the river Saint Lawrence, and relieved the garrison of Quebec on the 6th May, 1776. Sir Howard received the rudiments of his education at the grammar school of Musselburgh, (a town in Scotland, 6 miles east of Edinburgh), at which seminary several distinguished contemporaries commenced their classical studies. He subsequently entered the academy at Woolwich, and received a lieutenant's commission in the Royal artillery, in which capacity he was stationed in Canada, and was known as an officer of promising talents. He left Quebec in 1798, and shortly after was promoted in the Horse artillery. In 1800 Sir Howard succeeded his brother, Sir William Henry, and had subsequently risen in the army to the rank of major general. For many years Sir Howard was employed by his sovereign in various situations of responsibility and importance, particularly in a diplomatic mission to



Spain, during the peninsular war, which he conducted with great ability and address. As superintendant general of the Royal military college, his active and zealous services had been attended with the greatest advantages. As an author, Sir Howard proved himself a scholar and a man of science.—*Sir James Kempt* was born in Edinburgh in 1765. He was ensign in the 101st foot in 1783—lieutenant in 1784. In 1794 he was captain in the 113th foot, and served in Ireland and in Holland;—was made lieut. colonel in 1799. In 1800 he accompanied Sir R. Abercrombie, as *aide-de-camp* and military secretary, to Egypt. He partook in the battles and sieges in the Spanish peninsula at Badajoz, Vittoria, &c.;—was made major general in 1812. In 1813, colonel commandant of the 60th foot, was severely wounded at Waterloo, and made a knight grand cross of the bath, and received several foreign orders. He was made lieutenant general 27 May, 1825—was master general of the ordnance—general in 1841, and died in London 20 December, 1855. *Sir John Keane*, afterwards lord Keane, was a distinguished Irish officer.

We have noticed the opening of the ground for the Shubenacadie canal. It is to be observed that the opinions of the chief persons in the province differed as to the depth of the proposed canal. Many were in favor of a canal of 4 feet in depth, and believed it would answer all the purposes intended, in the transport of produce, &c.;—others imagined that large vessels, laden with timber in the bay of Fundy, should be brought to Halifax by the canal. The subscriptions had stopped short at about £16000, and the calls on this had not been made, but the eagerness of some of the promoters was great; and at a meeting of shareholders, called about the spring of this year, 1826, a resolution to proceed with the work was adopted. In consequence of such precipitancy, great difficulties of a pecuniary nature afterwards interfered with this work, and eventually caused it to become a practical failure.

Monday, August 21. Sir James Kempt, judge Halliburton, and major Yorke, embarked in the government brig Chebucto, commanded by capt. Potter, for Sydney, C. B. His excellency visited Sydney and St. Peters. On the 7 Sept'r., at 11, A. M.,

he landed, with his suite, at Pictou,—was received at the town wharf by the magistrates and inhabitants of the place, under a salute from the fort, fired by the Volunteer artillery company, under captain Rankin. He visited the public buildings, and next day left for Halifax, under a salute from the artillery, and reached town on Sunday, 10 September, at half-past 12.—In September, seven very fine blood-horses arrived here in the brig Magnet, from London. Two were brought here for sale, the remaining five were bought for the province, at the cost of £1000. 60 Dishley sheep were also purchased, and sent in the same vessel, 11 of which died on the passage. October 5, Thursday, Sir James Kempt, accompanied by capt. Leith, R.N., left town on a visit to Hants, Kings, and Annapolis counties. The rev. John Carroll, a nephew of bishop Burke, after the death of his uncle, had charge of the R. C. church in Halifax, and on 8 October was solicited, by a meeting of his congregation, of which Lawrence Doyle, esq., was chairman, to remain. H. M. S. Niemen, captain Wallis, visited Boston this autumn, returning to Halifax on the 5 November. She was the first British ship of war that had been in Boston harbor for ten years, and her captain had been 2d lieutenant of the Shannon in her action with the Chesapeake. The officers of the Niemen were treated with marked hospitality and kindness, and capt. Wallis was loudly cheered on entering the theatre.

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## APPENDIX TO CHAPTER XL.

### (1.)

Died, at Lunenburg, 28 May, 1826, lieut. colonel John Creighton.

Died, at Halifax, 22 August, Jane, widow of hon. Thomas Cochran, aged 67.

Died, at Liverpool, 13 August, Joseph Barss, in his 76th year. He had been a member of assembly.

Died, at Halifax, 16 September, Rev. Archibald Gray, D. D., in his 63rd year, long the minister of the Scotch church.

Died, at Cheltenham, in England, 18 November, Sir James Monk, knight, aged 82. He had been Chief Justice in Lower Canada, and administered the government there.

## (2.)

## HIS MAJESTY'S COUNCIL IN 1826.

Chief justice Blowers, president.

The Right Rev. lord Bishop of Nova Scotia, John Inglis, D. D.

Messrs. Wallace, Uniacke, Morris, Jeffery, Stewart, Halliburton, Binney, Collins, Robie and Prescott.

Secretary—Sir R. D. George, baronet.

## (3.)

## PROVINCIAL CIVIL LIST,—(Being the parliamentary grant.)

ESTIMATE OF THE CHARGE OF DEFRAYING THE CIVIL ESTABLISHMENT OF NOVA SCOTIA, FROM THE 1ST DAY OF JANUARY TO THE 31ST DAY OF DECEMBER, 1825—£9,660.

PROPOSED DISTRIBUTION OF THE SUM OF £9660, ON ACCOUNT OF THE CIVIL ESTABLISHMENT OF NOVA-SCOTIA, FOR 1825.

Salary of the lieutenant governor,	£2000
Chief justice,	850
Attorney general,	150
Secretary, registrar, and clerk of the council,	250
Naval officer,	100
Surveyor general of lands,	150
Treasurer,	50
Allowance to a bishop,	1000
Bishop's commissary,	150
Prothonotary,	160
Minister of the church of Scotland,	75
Additional allowance to the rev. Mr. Willis, for extra services performed by him,	150
Allowance to the widow and daughter of Dr. Cox,	100
Superintendent of fisheries,	200
Arrears to do., omitted in estimate of last year,	200
For a vessel in service of do.,	1500
To the governors of King's College, for the expenses of that Institution,	1000
Allowance to Mrs. Tonge, widow of the late naval officer, in consideration of her extreme age and infirmities,	80
Allowance to Agent,	200
Surveyor general of Cape Breton,	100
Allowance to the retired chief justice of Cape Breton, after 25 years' service, he being in the 80th year of his age,	500
Allowance to the retired secretary, until otherwise provided for,	300

Allowance to the retired naval officer, until otherwise provided for,	}	50
Allowance to the provost marshal, until otherwise provided for,	}	100
Allowance to Mrs. Hartley, the widow of a master in the Royal Navy, being the pension she would have been entitled to, if her husband had not held, for a few years, a civil office at Cape Breton,	}	40
		<hr/>
		9395
On account of fees for receipt and audit,		265
		<hr/>
		£9660



## CHAPTER XLI.

1827. The assembly of Lower Canada had offered for two years a bounty of £1500, and that of Nova Scotia £750, to be received by any sufficient steam vessel of 500 or more tons burthen, that should ply for three or four seasons between Quebec and Halifax, as a packet. These offers failed to have the desired effect.—The project of confederation, stated in the *Albion*, newspaper, was commented on by the papers in Lower Canada, which supported the majority of the assembly there in their conflict with lord Dalhousie's government, for redress of alleged grievances; and as the *Albion* generally supported the earl and his council against the assembly, the *Spectator*, a chief organ of the opposition, treated the plan with distrust, as intended to weaken the powers of the separate provincial legislatures, diminish the popular influence, and to increase patronage, places, offices and taxes.

Thursday, 1 February, the assembly met, (13th general assembly, 1st session.) The members returned were:

County of Halifax: \*Samuel George William Archibald,  
\*William Lawson, \*George Smith, \*Lawrence Hartshorne.

" Annapolis: \*Thomas Chandler Haliburton,  
\*William Henry Roach.

" Lunenburg: \*Lot Church, William Rudolf.

" Cumberland: \*Alexander Stewart, \*Joseph Oxley.

" King's: \*Samuel Bishop, \*John Starr.

" Queen's: Joseph Freeman, John Barss.

County of Hants : \*Benjamin Dewolf, (John McKay died after the election, on 28 Nov'r., 1826.)

" Shelburne : John McKinnon, J. B. Moody.

" Sydney : \*Thomas Dickson, \*John Young.

" Cape Breton : \*Richard John Uniacke, junr.,  
Lawrence Kavanagh.

Town of Halifax : \*Charles Rufus Fairbanks, \*Beamish  
Murdoch.

" Truro : Charles Dickson Archibald.

" Onslow : \*John Crow.

" Londonderry : \*John Wier.

" Annapolis : \*James R. Lovett.

" Granville : \*Timothy Ruggles.

" Digby : \*John Elkanah Morton.

" Lunenburg : John Heckman.

" Amherst : \*James Shannon Morse.

" Horton : \*James Harris, junr.

" Cornwallis : \*John Morten.

" Liverpool : James Ratchford Dewolf.

" Windsor : \*David Dill.

" Falmouth : \*William Henry Shey.

" Newport : \*Shubael Dimock.

" Shelburne : \*Nathaniel Whitworth White.

" Barrington : \*John Homer.

" Yarmouth : \*Samuel Sheldon Poole.

The 32 members marked \* being in attendance, were sworn in by commissioners. The lieutenant governor sent for the house, and directed them to choose a speaker. On this, they unanimously elected the former speaker, S. G. W. Archibald, who, in a brief speech, returned thanks, and promised to guard the privileges of the house. His excellency confirmed their choice, and, on the speaker's demand, promised their privileges should be respected. Sir James then opened the session with a speech. He congratulated them on the peace and prosperity of the province. He said : " Several circumstances have, I think, contributed to effect a prosperous change in the general state of the province within the last two years. The people, I am led to believe, have become more provident and

diligent in the management of their own affairs. They seldom engage in speculations beyond their means, and they already feel, in a sensible degree, the good effects of the liberal policy of the mother country, in extending to her colonies the blessings of commercial freedom, and affording new facilities to their trade and navigation." He added: "The revenue is already considerably increased—commerce has assumed more activity and enterprise. The coasting trade is in a thriving state, and the condition of almost all classes of people has materially improved. Our prospects probably were never more encouraging than at the present time, and, under the blessings of Divine Providence, Nova Scotia cannot fail to attain an high state of commercial and agricultural prosperity, if due advantage is taken of her local situation and her manifold resources." And he informed the house of assembly, that "the revenue has been collected with great regularity; and it "is highly creditable to the mercantile community, and gratifying to me, to state, that it has not been found necessary to put "a single bond for duties in suit during the year." The replies of both houses corresponded, as usual, with the sentiments of the governor's speech. The officers of the house at this time were: chaplain, rev. Robert Fitzgerald Uniacke; clerk, James Boutineau Francklin; assistant clerk, John Whidden; serjeant at arms, Thomas Boyd; keeper of gallery, Matthew Forrester; messenger, John Gibbs. A new writ was ordered for the election of a member in place of Mr. Mackay, for Hants.—2 Feb'y. Petitions were received from John A. Barry, &c., against Mr. White's return for Shelburne; and from William Flemming, against the return of Charles D. Archibald, for Truro. 3 Feb'y. Messrs. Barss, James R. Dewolf, William Rudolf and John Heckman, were sworn in. 5 Feb'y. John McKinnon was sworn in. 8 Feb'y. His excellency, by message, informed the house that the British government had agreed to contribute £400 a year towards the support of the establishment of Sable island, so long as Nova Scotia shall provide an equal sum for that purpose. 9 Feb'y. On motion of Mr. Stewart, it was resolved, that copies of the acts, when published, should be furnished to all justices of the peace, town

clerks and excise officers, yearly. 13 Feb'y. A petition from the reverend John Carrol, and others, professing the Roman catholic religion, praying for removal of test oaths, was presented by Mr. Uniacke. The public account shews a revenue (or, more strictly speaking, available funds) of £59,979 16s. 11½d. Total debits, £95,720 8s. 6d. Balance against the province, £35,740 11s. 6½d. The funded debt was £38,150; interest due on it, £946 10s. od. Notes in circulation, £30,877 10s. od.—The British government having abolished custom house fees in the colonies, the assembly of Jamaica passed a law, imposing a tonnage duty on shipping, to provide salaries for custom-house officers. The house here addressed his excellency, complaining of this as affecting our vessels, and requesting his interposition, and he promised to apply to H. M. government on the subject. 16 Feb'y. £12,000 was voted for roads and bridges.

On 20 February, Mr. Fairbanks renewed the question about the salaries of the officers of the customs, that had been raised in the address from the last house. He offered three resolutions, in substance as follows: 1. Thanking government for removing restrictions from the trade of the colonies. 2. Claiming the right to the whole monies collected as duties under the Imperial acts, to be appropriated by the colonial legislature. 3. To pass a bill, authorizing the collectors to retain £ *per annum*, to pay the salaries of the custom-house.—Mr. Fairbanks said that in bringing forward these resolutions he had been actuated solely by a desire to protect the rights of the people from violation; they were conceived, he trusted, in mild and moderate language, but contained within them a firm and manly assertion of a right which he trusted in God would never be conceded—the right of this house and this country to the fair privileges of British subjects, and the appropriation of all monies collected in the shape of taxes in the province; but while he contended for those rights and privileges, he was disposed to do everything which might evince his gratitude to the Imperial parliament of Great Britain for the liberal and unsolicited boon which it had bestowed on this country, in common with the other dependencies of the empire.



He admitted that the mother country ought not to be burthened with the payment of the custom-house salaries, and he was disposed to make a liberal provision for those officers. He was not inclined to the belief that government entertained a wish to interfere with the just rights of the people of this province, but was satisfied that the real ground of complaint was to be found in the conduct of the lords commissioners of the treasury, in the violation of the provincial rights, by their appropriation of duties collected under the late act of parliament, for the payment of salaries, without the consent of the house. The learned gentleman here made a reference to the old colonial system, by which the trade of H. M. possessions in America was for many years fettered, and displayed very clearly the injustice and impolicy of the monopoly, and the many vexatious consequences arising therefrom. He then argued at some length upon the principles of taxation and representation,—pointed out the situation of his majesty's subjects, who cannot, on any consideration, forfeit their allegiance, or expatriate themselves, as the claim of their parent state was liable at any time to be enforced, and that no distance of time or space could limit or prevent its operation. What, then, is the equivalent for this absolute and undivided allegiance? It is founded in that protection which his majesty's government is bound to extend to all its subjects, in whatever part of its dominions they may be situated—in the fair, equitable distribution of those great principles of rational freedom, and attention to their true interests, which had so long rendered Great Britain the pride, wonder and admiration of surrounding nations. The principle established by 18 Geo. 3, cap. 12, might justly be styled the palladium of the colonial rights and liberties; by that act the colonies were freed from taxation, unless by the consent of their own representatives. Various changes were effected in the colonial acts till that of 4 Geo. 4, cap. 44. The hon. gentleman then traced the operation of those acts, until their final consolidation by the late act 6 Geo. 4, cap. 114, by which all the old system of colonial regulations, as respected commerce, was at once swept out of sight, and a more enlightened and expansive set of measures

adopted. He then contended, in explanation of the terms *produce* and *net produce*, mentioned in former acts, as meaning substantially the whole produce of duties, to be paid in without in the first instance deducting the expenses of collection. He then adverted to the order from his majesty's treasury, communicated last year to the custom-house, to retain duties in payment of salaries, and accompanied by a direction to his excellency to pay any balance that may be required from the provincial treasury; and exposed its utter absurdity—noticed the remonstrance against the order by the last house of assembly, and observed it became imperatively necessary to pursue the course he recommended, in order to obtain the credit of consistency, and to preserve respect; referred to the answer to the remonstrance by the late treasury minute, and stated his objection to the plan proposed by the lords of the treasury, on the ground, that by it a larger sum was appropriated to the payment of custom-house salaries that was required. This colony had the undoubted right of appropriating every tax collected within its jurisdiction, and it became on this occasion more immediately binding on the house to assert those rights on account of abuses existing on the subject, with reference to the suspending powers exercised by the lords commissioners of the customs, and the manifest interference with our provincial laws and rights. Last year about £20,000 were collected, arising from duties under the late act of parliament, of which £10,000 were retained for the expence. Do not gentlemen see the extravagance and the evil of giving £100 to collect another £100? Do not gentlemen likewise see the imminent danger of yielding tamely the rights of the province? Can they foresee where concession will end if once acted on? Are they to proceed at once to submission, regardless alike of the difficulties and perils into which they might be plunged? He trusted they were not. What then, perhaps some members may ask, is the remedy I propose? This it is, gentlemen—to approach H. M. government with a plain, manly, firm and distinct assertion of the right vested in this house, to have the sole appropriation of all duties collected within it, and a temperate and respectful remonstrance against the infringement

of that right ; and on the other hand to say to H. M. government, that we are fully sensible of the many blessings we enjoy under its paternal guidance and protection, and are particularly grateful for the unsolicited and generous boon conferred upon us by the parent state in the late act of the Imperial parliament, and that we are satisfied the expence of custom-house salaries in this colony, under present circumstances, should be paid by us ; that we are willing to provide a sufficient sum to pay the present salaries, and to place the same at his majesty's disposal, provided that the collector of H. M. customs in this part of his American dominions shall be made accountable to this house, and that he pay over the duties collected to the provincial treasury, to be appropriated as this house in its wisdom may see fit to direct. *Mr. Haliburton* said he rose to oppose these resolutions. He disapproved of the principle, and condemned the detail. This question called for a temperate, manly, frank discussion. It was not one to be settled between two rival and hostile countries—between an oppressive government and distressed dependant, but between mother country and colony—*parent and child*. The same ingenuous discussion that should take place between relatives in private life, should now prevail between us. He saw no cause of alarm—he saw no desire to infringe right, but he saw a boon of greatest magnitude and value—a prostration of monopoly—a boon not extorted by strength of colony, not granted in war, not yielded when it could no longer be held, but given *in peace*, unsolicited, unlooked for, unhoped for. He could not forget such favors. He could not forget the heart that felt, the hand that planned, and the arm that struck off the rivets of commercial chains. These were the feelings that he carried into discussion. (Here he entered into a minute and detailed survey of trade, as it stood before the 6th Geo. 4th, and divided it into three heads : 1st. Trade with Europe. 2d. Inter-colonial trade. 3d. Trade with the States. Showed the restrictions and enlargements, and stated that from 1666 to 1764, there were no less than 29 acts of parliament restrictive of trade.) Now he said they had abolished fees, and given salaries out of proceeds of duties



under 6th Geo. 4th. Had they the right? It was a question involved in difficulty. Here he took a view of circumstances which gave rise to the celebrated act 18 Geo. 3d, which reserved all unrepealed taxes, all existing establishments, and made relinquishment of rights to tax for revenue, but only for regulation of commerce; they had laid no new tax, but had altered the shape of the old one; turned fees into salaries, rendered that certain which was uncertain—that firm which was fluctuating; they paid in England naval officers, they gave up king's duties; if we deduct expence of collection, 2,000, king's duties 2,000, 5,000 would make up all that was required,—so we gain all between 5,000 and 16,000 amount of fees; by this arrangement we made a saving of £11,000 to the province. It was wrong, it was ungrateful, it was base, to try to wrest from government the right, when we are receiving favors. Here he illustrated the right at length, by the example of turnpike and toll, showed the compact and the similarity. He said it should be proclaimed aloud. Let all the province know our imports exceed our exports £280,000; we buy that much more than we sell; it would soon impoverish any country. How did we pay it? Government establishments, government expenditures, half-pay, pensions, salaries to clergy, English money flowing in a thousand streams. Here he drew a picture of the family of John Bull—of his eldest son—our brother Jonathan, who, when he came of age, struck his father; also of the youngest child, Nova Scotia, the favorite child, and, he hoped, the dutiful one. (The allegorical picture he drew of John Bull and his sons was so whimsical and humorous, that the house was convulsed with laughter during its delivery.) He then adverted to the question, “proceeds” and “net proceeds,” as stated by the member for Halifax. He said proceeds meant proceeds after deducting expence of collection, and also expence of regulating commerce. Concluded by recommending prudent, temperate measures, which, if adopted, would have infinitely more weight with a generous and noble-minded government like that of Great Britain. He then moved that the whole of Mr. Fairbanks' resolutions be left out, but the word “Resolved,” and to read as follows:—



*Resolved*, That a committee of that house be appointed to prepare an humble address to his majesty, praying that the salaries to be fixed and established hereafter, for the officers of his majesty's customs in Nova Scotia, be established on a scale, which, while it shall afford a just and liberal compensation for the services of those officers, and the responsibility incidental to their duties, shall also bear due proportion to the salaries of the other provincial officers, and to the limited means of the province. And further, to request that when such arrangement be finally adjusted, no salary of such officer or officers be raised or increased without the assent of this house, and that no additional officer be appointed to any out-port, without the request of this house, signified by an address of the same to his majesty. The question of adjournment was then proposed and carried. On the next day, wednesday, 21 February, the debate was resumed. Messrs. Murdoch, Uniacke and Young spoke successively in opposition to Mr. Fairbanks's resolutions ; and messrs. Stewart, Lawson and Roach in favor of passing them. On thursday, 22d, Mr. Starr spoke to the effect of delay and remonstrance, but sustained the right to be in the colony. Messrs. J. R. Dewolf, Roach, B. Dewolf, J. Young, Hartshorne, Murdoch, Fairbanks, Haliburton and Stewart, severally spoke. Mr. Uniacke read some amendments. Mr. Haliburton was very eloquent on this occasion, especially in respect of a distinction some members had attempted to make to the prejudice of Englishmen by birth. Friday, 23. The first resolution passed without division ; the second, by 19 to 15 ; but in lieu of a bill, an amendment to the third resolution directed an address to his majesty on the subject.

Sir James Kempt took unwearied pains to improve the roads through the country, and personally visited almost every part of it repeatedly, and was, in fine weather, almost incessantly travelling. He thus acquired more exact knowledge of the land and its inhabitants than perhaps any other individual had ever possessed. He exhibited a most sincere interest in the welfare of the people, and was enabled, by his assiduity and business habits, to form his own opinion

on a multitude of details, and consequently was safe from being misled by the influence of interested advisers. His ability and integrity gained for him a greater weight with the members of the assembly than fell to the lot of any of his predecessors. His zeal for improvement of roads and bridges accorded well with the feelings of the people and the sentiments of their representatives. He now sent a message to the house, in which he commends the attention the legislature had given to internal communication, and urges on them the importance of making permanent improvements on the main roads, and of opening new roads to facilitate settlement, while he alludes to the minute subdivision of the road votes as objectionable, and promises to lay plans and reports of proposed improvements before them for their consideration.

Monday, 26 Feb'y. The catholic petition [*see appendix, No. 4*] was read, and taken into consideration. The resolution proposed was, 'that a committee be appointed to prepare an 'humble address to his majesty, requesting his majesty would 'be graciously pleased to dispense with the declarations and 'test oaths against popery, which H. M. subjects in this 'colony are called upon to take.' *Mr. Uniacke* said—Mr. Speaker, the resolution just read was entrusted to me by a numerous and respectable proportion of his majesty's subjects, to the advancing of their cause. I needed no other impulse but that of my own feelings, as I am convinced that no temporal authority should break in upon the freedom of opinion. Man's attachment to religious systems, whether they rest upon the errors of paganism or the truths of revelation, has ever been strong—ever indissoluble. Advert for an instant to the primitive condition of that country whence we derive our origin; see the rites of the Druidic worship, cherished even to death by its votaries; when the hand of persecution visited their altars, they fled into the bosom of the forest, and to perform in freedom the acts of their religion. The Saxons who succeeded were also remarkable for the tenacity of their adherence to the institutions of their predecessors, and shall then the christian be stigmatised for that invincibility of purpose which we admire in the Pagan. Shall the Catholic be visited

with indignity for an act which draws our respect to the Druid. Liberty of belief was the basis of that church to which I belong—to which I proudly belong; not because I conceive it to be the sole exclusive depository of truth—not because I believe no other to be as good, but because it was the faith which I lisped to my parent—the faith which was the rule of my infancy, and which has been the only *ballast* that has borne me through life; but far be it from me to disparage the creed of others; no, in my opinion, the humblest clergyman in the humblest church of the humblest congregation, if he practises the precepts of his God—if he conforms to the rules of morality, that man is, in my conviction, an object as pleasing to Heaven as he who wears the richest mitre in the proudest cathedral of Europe. When I look around, I scarce think I can discern the countenance of a bigot. Not one is there within these walls whose voice will not gladly concur in the prayer of this petition. Let us for an instant turn to the state of things at home. Often have the commons of Great Britain proclaimed that the rights of the catholic should be freely given them. Often has the voice of the British people, by the eloquence of their representatives, given its sanction to the claims pressed upon their notice; and when we ascend to the chamber of peers, we meet whatever is eminent for abilities—whatever is distinguished for high descent; gathered as an army about the cause of their fellow-subjects. Whence, then, its miscarriage. Mr. Speaker, I come not here to impute motives to any man, or to any class of men; but I assert facts, and the truth of those facts is all that I state. The claims of the British catholic have been defeated by the bench of bishops—by the dignitaries of my own church. Gratitude I would have thought, if no other motive, might have averted this; but no, gratitude, which I have ever believed to be the memory of the heart—that exalting emotion of the bosom, failed in giving any favorable turn to the destinies of the catholic. It was forgotten that the cathedrals of our present worship were built by the hands of the catholic; that the revenues of our churches were contributed from the property of the catholic. This was unthought of—the cause feil. This, Mr.

Speaker, is but a recital of facts—no imputation of motives. But, Mr. Speaker, I do not appear this day, to agitate the question of catholic emancipation ; the catholics do not wish to implicate this house in the multifarious details of that complicated subject ; they pray for no such thing. What they solicit in the manly and emphatic terms of their humble petition, is our interposition with his majesty—our testimony to the irreproachableness of their conduct. They seek to be relieved from a declaration that misconstrues and discredits their faith,— a faith which, I need not say, was for centuries the faith of our ancestry,—a faith, of which the exposition now upon that table lies for the inspection of this house. When, Mr. Speaker, I cast my eyes around,—when I see the forty men who sit within these walls, (the most of whom have past the meridian of life), when I reflect that they are verging fast to that borne where the fallacies of human opinion are forgotten, I never will, never can, think, that the God before whose unerring tribunal they are to be ushered, will ever ask whether I, Mr. Speaker, believed a little less or my colleague believed a little more : we shall never be questioned as to the form of our worship, if we can answer for its sincerity. The resolution I move, Mr. Speaker, is in conformity to the prayer of the petition, and to it I solicit the assent of this house, for an humble, a respectful address to his majesty : ‘ *Resolved,* ’ ‘ that a committee be appointed to prepare an address to his ’ ‘ majesty, begging of him to dispense with the oaths now used ’ ‘ as a qualification for office.’ Mr. Haliburton said that he seconded the resolution which had just been read ; but before he entered into the discussion, he begged leave to remark upon the peculiar and delicate manner in which the petition had been introduced into the house. Although he was the representative of a very numerous body of catholics—had been in habits of intimacy for many years with their venerable and respectable pastor the abbe Segogne, yet neither he or they had ever intimated their wishes to him ; and that his old friend Mr. Carroll, whose name stood at the head of the petition, had also left him to the unbiassed exercise of his own judgment. He had never seen or heard of the petition which



had been presented, until he saw it in that house. This delicate treatment made a strong impression on his mind, and he declared before God and that house, that he verily believed if his religious prejudices had prevented him from voting in favor of the resolution, Mr. Segogne would, on his return, receive him with the same friendly feeling and the same affection with which he had always honored him. He was proud to make the acknowledgment, for he stood there the unsolicited and voluntary friend and advocate of the catholics. In considering this question he should set out with stating that every man had a right to participate in the civil government of that country of which he was a member, without the imposition of any test oath, unless such restriction was necessary to the safety of that government ; and if that was conceded, it would follow they should be removed from the catholics, unless their necessity could be proved as it applied to them. He stated that the religion which they profess was called catholic, because it was at one time the universal religion of the christian world, and that the bishop of Rome, from being the spiritual head of it, was called pope, which signified father. (He here entered into a minute examination of the origin of the temporal power of the pope—shewed its connection with the feudal system, and traced it to the time of Henry 8th, who severed the temporal and spiritual power from foreign Prelates.) He said that in subsequent times it had been thought necessary to impose test oaths, lest the catholics, who were the most numerous body, might restore the ancient order of things, and particularly as there was danger of a catholic succession ; but when the Stuart race became extinct, the test oaths should have been buried with the last of that unfortunate family. Whatever might be the effect of emancipation in Great Britain, here there was not the slightest pretension for continuing restrictions ; for if the whole house and all the council were catholics, it would be impossible to alter the constitution—the governor was appointed by the king, and not by the people, and no act could pass without his consent. What was the reason that protestants and catholics in this country mingled in the same social circle and lived in such

perfect harmony? How was it that the catholic mourned his protestant friend in death, whom he had loved in life—put his hand to the bier—followed his mortal remains to their last abode, and mingled his tears with the dust that covered him? While in Great Britain there was an evident hostility of feeling, and the cause must be sought in something beyond the mere difference of religion. The state of Ireland afforded a most melancholy spectacle: the catholic, while he was bound in duty—while he was led by inclination, to support his priest, was compelled by law to pay tythes to the protestant rector; there were churches without congregations—pastors without flocks, and bishops with immense revenues without any duty to perform; they must be something more or less than men to bear all this unmoved—they felt and they murmured; while on the other hand the protestants kept up an incessant clamor against them that they were a bad people. The property of the catholic church had passed into the hands of the protestant clergy—the glebes—the tythes—the domains of the monasteries—who could behold those monasteries still venerable in their ruins, without regret? The abodes of science—of charity and hospitality, where the way-worn pilgrim and the weary traveller reposed their limbs, and partook of the hospitable cheer; where the poor received their daily food, and in the gratitude of their hearts implored blessings on the good and pious men who fed them; where learning held its court, and science waved its torch amid the gloom of barbarity and ignorance. Allow me, Mr. Speaker, to stray, as I have often done, in years gone by, for hours and for days amidst those ruins, and tell me, (for you, too, have paused to view the desolate scene), did you not, as you passed through those tessellated courts and grass-grown pavements, catch the faint sounds of the slow and solemn march of the holy procession? Did you not seem to hear the evening chime fling its soft and melancholy music o’er the still sequestered vale, or hear the seraph choir pour its full tide of song through the long protracted aisle, or along the high and arched roof? Did not the mouldering column—the Gothic arch—the riven wall and the ivied turret, while they drew the unbidden sigh at the

work of the spoiler, claim the tribute of a tear to the memory of the great and good men who founded them? It was said that catholics were unfriendly to civil liberty; but that, like many other aspersions cast upon them, was false! Who created magna charta? Who established judges, trial by jury, magistrates, sheriffs, &c.? Catholics! To that calumniated people we were indebted for all that we most boasted of. Were they not brave and loyal? Ask the verdant sods of Chrystler's farm, ask Chateauguay, ask Queenston heights, and they will tell you they cover catholic valor and catholic loyalty—the heroes who fell in the cause of their country! Here, where there was no cause of division—no property in dispute, their feelings had full scope. We found them good subjects and good friends. Friendship was natural to the heart of man, as the ivy seeks the oak and clings to its stalk, and embraces its stem, and encircles its limbs in beautiful festoons and wild luxuriance; and aspires to its top, and waves its tendrils above it as a banner, in triumph of having conquered the king of the forest. Look at the township of Clare;—it was a beautiful sight: a whole people having the same customs, speaking the same language, and uniting in the same religion. It was a sight worthy the admiration of man and the approbation of God. Look at their worthy pastor, the abbe Segogne: see him at sunrise, with his little flock around him, returning thanks to the giver of all good things; follow him to the bed of sickness: see him pouring the balm of consolation into the wounds of the afflicted,—into his field, where he was setting an example of industry to his people,—into his closet, where he was instructing the innocence of youth,—into the chapel, and you would see the savage, rushing from the wilderness with all his wild and ungovernable passions upon him, standing subdued and awed in the presence of the holy man! You would hear him tell him to discern this God in the stillness and solitude of the forest—in the rear of the cataract—in the order and splendor of the planetary system, and in the diurnal change of night and day. That savage forgets not to thank his God that the white man has taught him the light of revelation in the dialect of the Indian. (He then entered into a



detailed account of the removal of the French Acadians, too lengthy for insertion), and continued, as the representative of the descendants of these people, he asked not for the removal of the restrictions as a favor; he would not accept it from their commiseration—he demanded it from their justice. He concluded by saying—“Every man who lays his hand on the New Testament, and says that is his book of faith, whether he be catholic or protestant, churchman or dissenter, baptist or methodist, however much we may differ in doctrinal points, he is my brother, and I embrace him. We all travel by different roads to the same God. In that path which I pursue, should I meet a catholic, I salute him—I journey with him; and when we shall arrive at the *flammantia limina mundi*—when that time shall come, as come it must—when the tongue that now speaks shall moulder and decay—when the lungs that now breathe the genial air of Heaven shall refuse me their office—when these earthly vestments shall sink into the bosom of their mother earth, and be ready to mingle with the clods of the valley, I will, with that catholic, take a longing, lingering, retrospective view. I will kneel with him; and instead of saying, in the words of the presumptuous Pharisee, “thank God I am not like this papist,” I will pray that, as kindred, we may be equally forgiven: that as brothers, we may be both received.

This speech was the most splendid piece of declamation that it has ever been my fortune to listen to. Mr. Haliburton was then in the prime of life and vigor, both mental and physical. The healthy air of country life in his native Windsor had given him a robust appearance, though his figure was yet slender and graceful. He had, in addition, all the advantages that an education at King’s college could bestow, or the society and training of his highly intelligent parent gave him. In addition, he had travelled in Europe, where he married an accomplished and intellectual lady. In 1822 and 1824 I had the pleasure of much of his society at Annapolis Royal, where he had settled as a law practitioner, and where the *genius loci* had led him to inquiries into the ancient colony of Acadie, of which he was the first to publish any account here. As an



orator, his attitude and manner were extremely impressive, earnest and dignified ; and although the strong propensity of his mind to wit and humor were often apparent, they seldom detracted from the seriousness of his language when the subject under discussion was important. Although he sometimes exhibited rather more *hauteur* in his tone than was agreeable, yet his wit was usually kind and playful. On this occasion he absolutely entranced his audience with the corruscations of genius playing with classic and historic imagery, and appealing to the kindest feelings of humanity. He was not remarkable for readiness of reply in debate ; but when he had time to prepare his ideas and language, he was almost always sure to make an impression on his hearers.—As there was no opposition to the resolutions, although several members spoke afterwards, and some objections were made to the kind of remarks made by Uniacke and Haliburton, the house adopted the resolutions unanimously ; and Uniacke, Young and Haliburton were named as a committee to prepare the address.

Saturday, 4 March. Mr. Francklin having served the house as clerk for near 42 years, found himself impaired by age, and retired, and the house unanimously resolved to grant him, by bill, a pension of £200 a year for life. Thursday, 8th March, the committee (select) reported on the Truro election, in favor of Charles D. Archibald's retaining his seat. The death of the duke of York, at London, on 5 January, was notified to the house by a message from the lieutenant governor. 9 March. His excellency sent the house a message on the subject of the Indians. He alluded to their distressed condition ; suggests that each family among them should have a lot of land for cultivation set out to them ; that the Indian reserves should be correctly surveyed ; that there should be given to each Indian family disposed to settle, after establishing a wigwam on its own lot, an axe, a hoe, and a few seeds ; and that a moderate supply of provisions and coarse clothing should be afforded to the weak and sickly among the tribes. He also informed the house of an order from the duke of Wellington, forbidding the merchants' gunpowder being received hereafter into the king's magazine here. It appeared by a return of

salaries of officers of customs, that the total amount paid them was £8104 os. 5½d. sterling. The collector at Halifax received £2000, and the controller £1000. Their emoluments were somewhat more under the fee system. The interest in confiscated goods and vessels, given by law to the officers making seizures, was, I presume, not included in the calculations. Friday, 23 March. An act, brought in by Mr. Haliburton, by which £3000 was granted in aid of common schools, passed in the house, and was returned next day by the council, disagreed to. On the 5 March, Richard Smith, returned for the county of Hants, in place of Mackay, deceased, was sworn in. 7 March, William O'Brien petitioned against this return. 23rd, a committee was selected to try the question. 29 March, a bill in favor of common schools passed, and was sent to the council. In the debate on this school bill, Mr. Haliburton, having felt offended at the summary rejection of his measure by H. M. council, made some remarks, at which that body took offence. I think it was on this occasion he introduced his allegory, in which he told his dream concerning twelve old ladies. There can be no doubt that it was this sarcastic blow at their prestige and influence led to their sending a solemn message to the house on 31 March, complaining of 'gross misstatements,' highly disrespectful to the board, contained in the newspaper report of debates on the school bill, and pointing out as incorrect several matters alleged in the debate. In this message they do not name the member, but wind up with trusting that the house will call the party to account for violating decorum, &c. The house referred this to a special committee, who reported that, although there had been a mistake which had led to heat in the debate, yet that there was not a gross misstatement of facts. They also reported resolutions and a message, all tending to allay irritation, in which they say that after investigation, and an explanation given by the party to the committee, the house is fully satisfied that no disrespect was intended or wilful misstatement made; and the house passed them and sent them to the council. On 4 April, the council, by message, declared that they cannot feel satisfied with the message and resolutions received from the assem-

bly yesterday, as they neither disavow the indecorum complained of, nor express any disapprobation of it. The house had, as they thought, gone as far as men, disposed to make reasonable concession without degrading themselves, ought to go for the sake of peace and courtesy. The member who had contrived to bring down this thunder-cloud was, although of high talents, inexperienced in legislative matters. He was not a demagogue or hunter after popularity,—on the contrary, aristocratic and conservative in his sentiments, but not disposed to the meek submissiveness by which men of humble faculties sometimes creep into favor. Out of the forty-one members of the assembly, twenty sat there for the first time. There was much energy and zeal in the body, but it was undisciplined to a great extent, and the members as yet were, in a great measure, strangers to each other. Some of the leading men were eminently pacific and moderate: for instance, the Speaker, Mr. Fairbanks and Mr. Young. The pertinacity of H. M. council on the subject, and the hazard of injury to the public interest if the business of the session were to be thus interrupted, when great part of the money votes had not been concurred in; the doubt whether the public opinion of the colony was sufficiently alive to the privileges of their representatives to approve of material sacrifices in their favor, and the indecision of some members from their, as yet, circumscribed knowledge of parliamentary law;—all these circumstances united, induced the house to cut the knot of this difficulty, by a unanimous resolution condemning the publication complained of in the strongest terms, and then ordering the speaker to reprimand Mr. Haliburton, who openly acknowledged the speaking and publishing. Any one who will take the trouble to read the resolutions and messages on this subject, [*see journal of house of assembly for 1827, pp. 131–139*], will perceive that these last measures of the censure and reprimand were not in harmony with the opinion of the house, but a tribute to expediency; and I believe that if this step had not been exacted by H. M. council, the members of the lower house would have been more disposed to confide in the upper branch, but those who voted reluctantly for this course remain-

ed more inclined than before to watch jealously for the freedom of debate and action. There was also this mischief: as the council held their legislative sittings with closed doors, they subjected themselves to open conjectures as to their motives, and to prejudices that might not have place if they gave their reasons and votes before the world, and the check of public opinion is often useful to the wisest and best of men to assist them in ruling their conduct uprightly and wisely.

On the 2 April, Mr. Kavanagh was sworn in. On the 3rd, the select committee on the Shelburne election reported that John Alexander Barry was entitled to the seat, and not the sitting member, Mr. White. The house next day directed the return to be amended, and Mr. Barry was sworn in and took his seat. On the 5th, the council sent down a resolution granting £400 to the Pictou academy, disagreed to, and a message with it, explaining their motives, by stating that the applicants had originally claimed to be Scotch by birth or descent, and wished a seminary where their children could be trained in the religion of their forefathers, and had no wish to set up an institution in opposition to Windsor college; that the trustees of the Pictou academy were now endeavoring to produce hostility to the established church and Windsor college. They state their willingness to endow permanently an academy at Pictou, to be placed under trustees appointed by the governor. Mr. Fairbanks also reported from a committee on marriage licenses, and corporate powers sought for by dissenting congregations. The report is long. [*Journal* 1827, pp. 143-145.] On the 17 April, John Whidden was sworn in as clerk of the house; and on the same day the assembly was prorogued. The appropriations for roads and bridges this session were liberal. For the great roads, £6900; for county and district roads, £12,000; for surveys and alterations on the great roads, £2000; for cross roads in eleven counties and districts, £1100; special votes for roads and bridges, £5967 5s. 1d.; total for roads and bridges, £27,967 5s. 1d. £200 was granted the Annapolis academy; £400 to pay debts of Pictou academy; various sums for breakwaters, and improving rivers and harbors; £945 post communication; £1000 to pay



hon. C. Morris, for plans and maps ; £700 for three inspecting field officers of militia ; £500 bounty to Southern whale fishery, in addition to any balance of £1500 granted for the same purpose in 1825. Great confidence was displayed in Sir James Kempt, in whose discretion much of the management of road and bridge votes was placed. A bill was passed to secure Mr. Francklin his annuity. Further powers and privileges were given by an act to the Shubenacadie canal company. A law was passed for building a powder magazine at Halifax ; and some acts of minor importance.

In May, the lieutenant governor published regulations received from lord Bathurst, by which threafter crown lands were to be sold at auction, to be paid for in instalments, and the quit rents were ordered to be thenceforward collected or commuted.

A vessel—the schooner *Triumvirate*, 70 tons, 18 men—was fitted out at Halifax, by Thomas & Michael Tobin, this spring, for the seal fishery, and returned early in May, after 45 days absence, with an abundant fare. This was said to be a novel and profitable speculation, giving employment to many persons. The schooner *Glasgow*, sent out by Daniel Mackay and William Sinclair, on a sealing voyage on the S. W. coast of Newfoundland, returned about the same time, with 1275 seals. I observe, 21 May, his excellency appointed the new Roman catholic bishop, Fraser, the rev. Thos. Trotter, (presbyterian), and Alex'r. McDonald, esquire, school commissioners for the county of Sydney. The admission of Mr. Kavanagh to a seat in the assembly, and this appointment of bishop Fraser, were important steps in the progress of catholic emancipation in Nova Scotia.

The iron mining establishment, owned by a joint stock company, situated at Moose river, in Annapolis basin, was now in operation, and pig iron made there and brought to Halifax. The ore was said to yield 90 per cent., and to be of superior quality ; and another similar work was about to be introduced on the East river of Pictou, near New Glasgow. The king had made a grant or lease to the duke of York, of all mines and minerals reserved in grants of land in Nova Scotia ; and

the duke, before his death, had sub-leased his interest therein to Rundell, Bridge and Rundell, the noted London jewellers. They appointed Richard Smith, esquire, (not the member for Hants, N. S., of that name), and he was in the province this season, bringing out miners, colliers, engineers and mechanics, with machinery, tools and implements, for the purpose of opening and working the mines. His excellency had a public notice given, calling on the officers of government, magistrates, and proprietors of land, to give every facility to the superintendant, Mr. Smith, dated the 11th June, 1827, and signed by Sir Rupert D. George. A Mr. Backwell had been in the province some time before, supposed to have a salary from Rundells, for engineering, or exploring after mines. Early in June, a vessel had arrived at Pictou, with miners and machinery for coal and iron works. On 19 May, S. Cunard & Co. advertised a public sale of tea, on 18 June, at their warehouse, as agents of the hon. E. I. company.

Monday, 18 June. A court for trial of crimes committed at sea, held under a standing commission, issued in 1814, was held. The lieutenant governor, the chief justice, rear admiral Lake, and captain Webb, R. N., formed the court. Four merchant seamen, against whom the grand jury found a bill for piracy, were tried on wednesday. The attorney general prosecuted. Mr. Johnston defended. The chief justice delivered the charge. The mate, James Nixon, was found guilty, and sentenced to death—the other three were acquitted. (The testimony is fully reported in the *Acadian Recorder* of 23 June, 1827.)

On sunday, 24 June, the right reverend William Fraser, bishop of Tanen, and vicar apostolic in Nova Scotia, was consecrated at Antigonishe by the rev. Dr. McEachran, assisted by rev. père Vincent and père Francis, of Tracadie. Rev. Colin Grant, of Arisaig, and rev. James Grant, of Guysborough, attended. Above 2000 persons were present at the ceremony. On saturday, 30 June, the ship Cumberland arrived at Halifax, from Waterford, in 43 days, with 350 passengers. She was consigned to Thomas Cook. Many of the new comers were in a state of utter destitution, and sickness prevailed among

them. The measles and typhus raged just now at St. John's, N. F., brought there in passenger vessels from Ireland. At Miramichi, fever of similar origin was very fatal. The poor house in Halifax was filled with them, but in a few days a dwelling house about a mile West of the town, called Bank head, was obtained, and the fever patients were removed thither. Wednesday, 4 July. H. M. S. Hussar, captain Sir Richard Grant, arrived here from Portsmouth. Captain Boxer was her post captain. Rear admiral Sir Charles Ogle, his lady and family, came in her. (On the 2 July, his excellency appointed Charles Wallace, M. D., health officer at Halifax.) July 26. Sir James Kempt sailed for Yarmouth in the Chebucto, intending to visit the principal Western harbors.—Bishop Inglis was this summer engaged in New Brunswick and Newfoundland, where he went from settlement to settlement among the people. His diocese embraced all the maritime provinces. He got back to Halifax in H. M. S. Alligator, captain Canning, on the 24th August.—The steam boat St. John was at this time running between St. John, Eastport, Digby and Annapolis. In August, Halifax harbor swarmed with bass, which was extraordinary, as this fish generally frequents rivers, and seldom enters harbors, unless where large streams of fresh water run into them. No one remembered their coming here before, although common in the rivers in the bay of Fundy and the Eastward, which they enter in October. On 24 August, a regatta took place in the harbor, in which sailing boats, rowing boats and Indian canoes appeared. There were three rowing races, four sailing races, and one in which Micmacs paddled their birch bark vessels. Lady Ogle gave a breakfast in the Hussar, and in the evening a splendid ball and supper at the admiralty house.

By a publication of 25 August, it appears that 268 persons had been received at the temporary hospital at Bank head. Of these, 36 had died, and 78 still remained, many of them with the worst symptoms of their contagious disease. The number received included many of the resident inhabitants of the town ; and among these, out of one family of eight, six had been carried from the hospital to the grave. Two cases of

typhus fever had been sent thither from bridewell, and the small pox broke out in several parts of the town. On 7 September, the brig Fame arrived at Halifax, from St. John's, N. F., with 130, crew and passengers, ill of typhus fever. In November, the small pox and typhus fever were still extending throughout the town, and the former complaint had reached Lunenburg. The numbers who had fallen victims to these diseases since the spring seemed almost incredible. About 330 coffins had been delivered from the poor house, the greater part for poor persons who had not been in that establishment. Besides these, a large number of respectable inhabitants of the town had fallen victims, chiefly to the fever. The report of the committee of the house of assembly [*Journal of 1828, Feb. 22*] calls this "a mortality in this town unknown from its earliest" "settlement, having swept off from a population of eleven" "thousand, upwards of eight hundred persons." Mentions some of the emigrants having been lodged under marquees from the king's stores. They also advert to the excellent conduct of doctor Lewis Johnston, who devoted himself to the sick. The thanks of the house were voted to him. Miss Mary Wallace, daughter of Michael Wallace, died 3d October, it was said a victim to the contagion. Her brother, doctor Charles Wallace, had it severely, and just escaped death; and James B. Uniacke suffered much also. Uniacke's case was small pox: the others, I believe, were of fever. 29 and 30 August. Horse races on the common took place, and a race ball, by subscription, was given at Mason hall, at which the lieutenant governor, admiral, army, navy and townsfolk enjoyed themselves till 1, A. M. Races were advertised to take place at Windsor on 3 and 4 October. In October, John Spry Morris, commissioner of crown lands, notified by advertisement all persons owing quit rent to pay the annual amount on or before 1 January, 1828. All arrears had been relinquished by his majesty. Monday, 1 October. Sir James Kempt, with his suite, lord bishop Inglis, Sir R. D. George and Mr. Archibald, left for Windsor, where a meeting of the governors of the college was to be held. Sir James intended to go on to Anna-



polis afterwards. He had shortly before this made a tour through the Northern and Eastern parts of the province.

The year closed, as far as the town was concerned, by a ball and supper to a large number of guests, on the evening of 31 December, at government house.

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## APPENDIX TO CHAPTER XLI.

(I.)

ANNO DECIMO OCTAVO

GEORGII III. REGIS.

CAP. XII.

*An Act for removing all Doubts and Apprehensions concerning Taxation by the Parliament of Great Britain in any of the colonies, provinces and plantations in North America and the West Indies ; and for repealing so much of an act, made in the seventh year of the reign of his present Majesty, as imposes a duty on tea imported from Great Britain into any colony or plantation in America, or relates thereto.*

WHEREAS taxation by the Parliament of Great Britain, for the purpose of raising a revenue in his Majesty's colonies, provinces and plantations in North America has been found by experience to occasion great uneasiness and disorders among his Majesty's faithful subjects, who may nevertheless be disposed to acknowledge the justice of contributing to the common defence of the empire, provided such contribution should be raised under the authority of the general court, or general assembly, of each respective colony, province or plantation ; and whereas, in order as well to remove the said uneasiness, and quiet the minds of his Majesty's subjects who may be disposed to return to their allegiance, as to restore the peace and welfare of all his Majesty's dominions, it is expedient to declare that the King and Parliament of Great Britain will not impose any duty, tax, or assessment, for the purpose of raising a revenue in any of the colonies, provinces or plantations : May it please your Majesty that it may be declared and enacted, and it is hereby declared and enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That, from and after the passing of this Act, the King and Parliament of Great Britain will not impose any duty, tax or assessment whatever, payable in any of his Majesty's colonies, provinces and plantations, in North America or the West Indies, except only such duties as it may be expedient to impose for the regulation of commerce : the net produce of such duties to be always paid and applied to and for the use of the colony, province or plantation in which the same shall be respectively levied, in such manner as other duties collected by the authority of the respective general courts, or general assemblies, of such colonies, provinces or plantations, are ordinarily paid and applied.

II. And be it further enacted by the authority aforesaid, That, from and after the passing of this act, as much of an act, made in the seventh year of his present Majesty's reign, intituled, *An act for granting certain duties in the British colonies and plantations in America ; for allowing a drawback of the duties of customs upon the exportation from this kingdom of coffee and cocoa nuts of the produce of the said colonies or plantations : for discontinuing the drawbacks payable on china earthen ware exported to America ; and for more effectually preventing the clandestine running of goods in the said colonies and plantations ;* as imposes a duty on tea imported from Great Britain into any colony or plantation in America. or has relation to the said duty, be, and the same is hereby repealed.

6 Geo. 4, c. 73. June, 1825. Section 5 :

V. And be it further enacted, That the duties imposed by this Act shall be levied, raised, applied and abated under the same Management, and in the same manner, and by the same Powers and Means, and under the like Penalties and Forfeitures, as the Duties imposed by the two Acts hereinbefore first mentioned would be levied, raised, applied and abated under the Provisions of those Acts respectively, except so far as the same may be altered by this Act.

The Acts referred to in this 5th section are :

3 G. 4 c. 44, intercourse with America.

*An Act to regulate the Trade between His Majesty's Possessions in America, and other places in America and the West Indies.*

3 G. 4, c. 45, intercourse with Europe.

*An Act to regulate the Trade between His Majesty's Possessions in America and the West Indies, and other Parts of the World.*

6 Geo. 4, c. 114, passed 5 July, 1825. Section 13 :

XIII. And be it further enacted, That the Produce of the Duties so received by the Means and Power of this Act, except such Duties as are payable to His Majesty under any Act passed prior to the Eighteenth Year of his late Majesty as aforesaid, shall be paid by the Collector of the Customs into the hands of the Treasurer or Receiver General of the colony, or other proper officer authorized to receive the same, in the Colony in which the same shall be levied, to be applied to such uses as shall be directed by the local Legislatures of such Colonies respectively ; and that the Produce of such Duties so received as aforesaid, in the Colonies which have no local Legislature, shall and may be applied in such manner as shall be directed by the Commissioners of His Majesty's Treasury.

( 2. )

PETITION OF REV. JOHN CARROL, AND OTHERS, ROMAN CATHOLICS, PRESENTED  
TO THE HOUSE OF ASSEMBLY 12 FEBRUARY, 1827.

*To the Honorable the House of Representatives, in General Assembly Convened :*

We, His Majesty's Faithful Subjects, professing the Roman Catholic Religion, beg leave to approach your Honorable House with the unfeigned assurances of respect and gratitude.

It would indicate an insensibility to the feelings of our nature, if we failed to express our heartfelt acknowledgments to your Honorable House for its suppression of those penalties once recited by law on the practice of our faith.—The claims of your Honorable House on your Petitioners, derive additional strength from the incident, that they have arisen out of the sole agency of your own dispositions, unprompted by any solicitations from us. Our silence, then, has been productive of a two-fold utility : it has given room for the uninstigated generosity of your Honorable House to disclose itself, and it attracts upon this Petition all that notice which is due to a first claim. While your Honorable House possessed the power, we felt confident of its exercise to our benefit, and we never appeared to petition for what was conceded without request, but, now that your authority as regards us is exhausted, we solicit your intercession where we can no longer profit by your power.

The grounds of our present complaints are created by the exaction of the oaths now used as Tests of Eligibility to various preferments and offices in the Province. These contain a misrecital of our own tenets, and are (as it seems to your Petitioners) the sustenance of feuds and controversy. Finally they impute to us practices our souls abhor ; but as it would be too much to expect any measure on this ground unless we first apprized your Honorable House what our tenets are, we beg you to accept this summary exposition.

“ We do not adore the saints ; but we pray to them.”

“ We know they possess no inherent power ; but that they feel an interest in us. Even this present petition will illustrate the Tenet ; in it we pray your Honorable House to *intercede* with his *Majesty*, tho’ you have *none* of his *authority* ; so we solicit the saints to interpose with Christ, tho’ they have *nothing* of his *Divinity*, as then we can pray for the *intercession* of your Hon. House without an *insult* to our *Sovereign*, so we pray for the *intercession* of the saints without an *offence* to our *God*.”

“ The Mass is the principal rite of our Church. In it we adore none but God. He told us “ he gave us his body.” We only believe *that* he *meant* what he said.”

We forbear from further details, as they would only give a needless prolixity to this petition. We confide that we have shewn to your Honourable House that the test oath misrecites while it libels our doctrine.

Thus impressed, we humbly submit to this your Honorable House the propriety of an Address to his Majesty on the Premises, and in doing so, we believe we as much consult the conscientious scruples of many of our Protestant fellow-countrymen as the exculpation of our own faith : when we advert to Upper Canada, and find the Roman Catholics in the possession of the immunity which we seek, we feel inspired to offer our present claims to the notice of your Honorable House ; and when we remind your Honorable House that his Majesty’s Roman Catholic subjects of Hanover have been recently the objects of the Royal Bounty, we cannot doubt but your Honourable House will deem us worthy of being recommended to the same.

We therefore pray that your Honorable House will adopt such a mode of relief in the Premises, as to your wisdom shall seem just, and be consonant to the spirit of this liberal age.

AND AS IN DUTY BOUND WE SHALL  
EVER PRAY.

[The original Petition is in the hand-writing of Lawrence O’Connor Doyle.]

(3.)

THE ADDRESS IN FAVOR OF THE CATHOLICS IN 1827, SENT TO THE KING BY  
THE HOUSE OF ASSEMBLY.

To the King's most Excellent Majesty : The humble Address of the House of Representatives in General Assembly :

May it please your Majesty,

We, the Representatives of your Majesty's Faithful Commons of Nova Scotia, tender to your Majesty the assurances of our earnest and loyal attachment ; and respectfully beg leave to offer this Humble Address.

Ever solicitous for the maintenance of those institutions which form the sources of our power, while they constitute the objects of our pride, we gladly avail ourselves of any occasion which can give them additional strength.

We have ever thought, that where a community of civil interests exists, it was there expedient to create a unity of public feeling, such unity it has been the study of your Majesty's Faithful Commons to promote, and its fruits are now happily visible in the general aspect of the Province.

We beg leave to assure your Majesty that your Majesty's Roman Catholic subjects in this Province are second to none in loyalty and attachment. We have been the witnesses of their civil conduct, and it is but a testimony due to truth when we say that they evince as zealous a disposition for the maintenance of your Majesty's Government as any other denomination of your Majesty's loyal subjects.

Convinced from a length of fortunate experience, how auspicious for the future interests of the Province such a condition is, we feel that we shall best consult our own prosperity by using every method in our power to insure its continuance.

We have already, under the sanction of your Majesty's Government, removed every restrictive law upon your Majesty's Roman Catholic subjects of this Province, which has been followed by their gratitude ; unwilling to pause, we would now solicit the gracious exercise of your Majesty's prerogative for their additional benefit, and in compliance with the unanimous voice of your Faithful Commons. We solicit that you would be graciously pleased to dispense with the "Declarations against Popery and Transubstantiation" as inapplicable to the present situation of this country, and tending to create invidious distinctions among your Majesty's loyal subjects.

Devoted to our duties as the Representatives of your Majesty's Faithful Commons, we feel confident your Majesty will accept this address. And when your Majesty considers that we appeal to Heaven for the due fulfilment of our duties, and that we consecrate, by the sanctions of Religion, our natural attachment to your Majesty's Person and Government, your Majesty will accept these our solemn pledges as adequate securities.

Confident in your Majesty's favorable construction of this Address, your Faithful Commons hope, eventually, to find, that though at our several altars we may practice our several faiths, yet at that public Altar, where the spirit of our country presides, the only Creed will be that of Christianity.



(4.)

1826. A resolution of the House of Commons appropriated £20,000 for civil and military service of New Brunswick.

For P. E. Island,	£2,000
Newfoundland,	11,135
Nova Scotia,	11,135
&c. &c.	

(5.)

## CENSUS OF 1827.

Peninsula of Halifax, -	-	-	-	14,439
District of do., -	-	-	-	10,437
District of Colchester, -	-	-	-	7,703
District of Pictou, -	-	-	-	13,949
County of Hants, -	-	-	-	8,627
Do. Kings, -	-	-	-	10,208
Do. Annapolis, -	-	-	-	14,661
Do. Shelburne, -	-	-	-	12,018
Do. Queen's, -	-	-	-	4,225
Do. Lunenburg, -	-	-	-	9,405
Do. Cumberland, -	-	-	-	5,416
Do. Sydney, -	-	-	-	12,760
				<hr/>
				123,844
Cape Breton,				20,000
				<hr/>
Total,				143,848

## POPULATION OF NOVA SCOTIA, BY CENSUS, IN THE YEARS

	1817.	1827.	Increase.
District of Halifax,	16487	24876	8389
Colchester,	4972	7703	2731
Pictou,	8737	13949	5212
Annapolis,	9847	14661	4844
Shelburne,	8440	12018	3578
King's Co.,	7455	10208	3053
Sydney,	6991	12760	5769
Hants,	6685	8627	1942
Lunenburg,	6628	9405	2777
Queen's Co.,	3098	4225	1127
Cumberland,	3043	5416	2373
<hr/>			
	82053	123848	41795

Within the peninsula of Nova Scotia, the 123,884 of population comprised  
 28,659 of the church of England,  
 37,225 Presbyterians,  
 20,410 of the church of Rome,  
 9,408 Methodists,  
 19,790 Baptists,  
 And 8365 of smaller sects.

Cape Breton, instead of 20,000, first stated, contained only 18,700. This makes the total population in 1827—141,544.

( 6. )

The following statement of deaths was published in the *Acadian Recorder* of November 24, 1827 :—

Died in the poor house,	178
at Bank head,	61
in the town, and buried at the expense } of the poor house,	92
	—331
Buried in St. George's ground,	53
Do. in St. Paul's, over 10 years,	112
Do. do. under 10 years,	69
Do. Army,	45
	—279
Do. in St. Peters,	201
	—201
	—
Total from the 1st January to 31 October,	811

The expenses of the Bank head hospital were £641 11s. 7d.

[ 7. )

Died at St. John, N. B., 23 March, 1827, Hon. Christopher Billop, in his 90th year, a loyalist from Staten island.

Died, 23 April, at Parrsborough, Samuel Wilson, aged 90 years, a loyalist. captain Loyal New Englanders. 28 April, at same place, Caleb Lewis, a loyalist, in his 94th year.

Died, at fort Lawrence, Cumberland, 20 July, Henry Purdy, esq., aged 83.—He had been a member of assembly, &c. &c.

Died, November 6, Henry Ellis Cogswell, (eldest son of H. H. Cogswell, esq.,) in his 22d year, a youth of great promise.

Died, Sunday, 30 December, John Starr, esq., in the 53d year of his age, member for King's county.

THE END.



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